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STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

INFLATION RESTRAINT ACT

THURSDAY, OCTOBER 28, 1982

Afternoon sitting



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breaugh, M. J. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
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Swart, M. L. (Welland-Thorold NDP)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitutions:

Barlow, W. W. (Cambridge PC) for Mr. Watson  
Dean, G. H. (Wentworth PC) for Mr. Mitchell

Also taking part:

Bryden, M. H. (Beaches-Woodbine NDP)  
Cooke, D. S. (Windsor-Riverside NDP)  
Jones, T., Parliamentary Assistant to the Treasurer of Ontario and  
Minister of Economics (Mississauga North PC)  
Mackenzie, R. W. (Hamilton East NDP)  
Miller, Hon. F. S., Treasurer of Ontario and Minister of Economics  
(Muskoka PC)  
Renwick, J. A. (Riverdale NDP)  
Wildman, B. (Algoma NDP)

Clerk: Arnott, D.

Witnesses:

Koskie, R., Koskie and Minsky, Barristers and Solicitors;  
representing Provincial Building and Construction Trades  
Council of Ontario; Ontario Allied Construction Trades Council;  
Toronto-Central Ontario Building and Construction Trades  
Council; International Brotherhood of Electrical Workers;  
International Association of Bridge, Structural and Ornamental  
Ironworkers

From the Equal Pay Coalition:

Cornish, M., Member  
Ritchie, L., Member

From the Labourers' International Union of North America:

Strang, D., Assistant Manager, Ontario Provincial District Council

From the Ontario Secondary School Teachers' Federation:

Bryce, W., Past President  
Zanin, S., President, District 1 (Windsor)

From the United Food and Commercial Workers International Union:

Bonnell, C., Business Representative, Toronto Industrial Council  
Park, K., Director, Research and Education Department



LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Thursday, October 28, 1982

The committee met at 4:05 p.m. in committee room 1.

INFLATION RESTRAINT ACT  
(continued)

Resuming consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: I see a quorum. I think, because of the time factor, we have to decide whether everybody will have a chance to make their presentations before the committee. What should the clerk tell these persons and organizations?

Mr. Mackenzie: We have already told them.

Mr. Chairman: The clerk has advised them what is likely and unlikely, subject to various matters happening such as extensions of time, etc.

Mr. Cooke: We know the House leaders made a decision on that this morning.

Mr. Chairman: I do not know that, Mr. Cooke. Can I have some clarification from the committee as to what this--

Mr. Mackenzie: I suggest that everybody who has submitted briefs and has asked for a hearing be heard.

Mr. Brandt: Everybody, with no limit.

Mr. Mackenzie: All this was rejected this morning--

Mr. Cooke: You knew that before you even made the comment.

Mr. Mackenzie: All was rejected because you have already cut it off in another two days.

Mr. Chairman: I take it from the lack of consensus that the clerk is simply disposed to tell these people he does not know until he gives them further instructions? Correct? Correct. Thank you.

First witness of the day is from the United Food and Commercial Workers International Union, Region 18. Could they come forward, please, to the microphones at the bottom? Would one of you come around the corner to one of these seats at a microphone? Are there five there?

Interjection: There are enough chairs there for all of them.

Mr. Chairman: Okay, fine. Thank you.

Gentlemen, the brief that is being handed out will be exhibit 60. Could you, spokesman, please identify the people with you?

Mr. Park: Yes, I will, Mr. Chairman.

My name is Kevin Park. I am the research and education director of Region 18 of the United Food and Commercial Workers. On my immediate right is Charles Bonello. He is the business representative of Local 187, which is one of the local unions that is particularly concerned with this piece of legislation. I would ask Mr. Bonello to introduce the other gentlemen with him.

Mr. Bonello: This is Mark Brylinski, the president of the local; Murray Ledingham, an executive member of the local; John Taylor, the secretary of the local; Mike Voisin, also of the executive; and Mr. Boone, also of the executive of the local.

Mr. Park: We will read the brief you have in front of you and then I presume you will avail yourself of your privilege to ask questions, I hope.

Members of the committee, we are the United Food and Commercial Workers International Union, Region 18, Canada, representing workers in the food and commercial industries in Ontario who work in meat packing, food retailing, vegetable processing, shoe and leather, flour milling, food dispensing, and confection manufacturing and commercial institutions.

Some 50,000 such workers are members of our union in Ontario.

We appear here today in opposition to Bill 179.

4:10 p.m.

Our opposition to this proposed legislation can be grouped into three broad objections.

First, the proposed legislation interferes in many ways--that is, automatic extension of collective agreements, denial of the right to bargain on many issues and unchallengeable powers placed in the hands of administrators of the proposed legislation--with the process of free collective bargaining for workers in the public sector. In fact, it goes further by taking away from some public sector employees wages that were to be paid in the future by virtue of collective bargaining that was concluded some time ago.

In our view--and surely evidence from the recent and historical world events supports this--the single most aggressive act any government can commit is to deny to its citizens, by way of legislation, the opportunity to free and unfettered dialogue on the circumstances which affect their lives. To apply the

restriction in an uneven and unfair manner only compounds the injustice.

Our second objection is based on the soundness of the policy contained in Bill 179 as an economic policy. At the time our economy desperately needs an influx of purchasing power, the policy contained in Bill 179 will work to further shrink the amount of disposable income in the province.

More and more each day, we witness permanent plant closings, layoffs and shorter work weeks in this province. These occurrences will continue until we return to a time when adequate purchasing power is placed in the hands of consumers.

Until this government takes steps to reduce the usurious interest rates which impact on every citizen in many ways, we shall continue to see this malaise. Many provincial governments now attempt, through a variety of ways, to assist their residents against these damaging costs. This bill, on the contrary, will assist in unhousing unknown numbers of Ontario residents who now live on the brink of meeting ever-upward costs forced on them by unconscionable increases in living costs due to the interest rate structure.

Third is the effect on the private bargaining sector. Let me preface this with a side comment from the brief. We believe the assumptions about private sector bargaining made by those who introduced the bill are plainly unsound.

Unions bargaining in the private sector, like ourselves, have never used public service settlements as patterns in bargaining. Traditionally, we in our union use settlements in other private sector industries or similar industries in other areas of the country in determining bargaining goals. The question of our increases in income as compared to the increases in living costs over the same time frame is also taken into consideration.

There are other criteria that we in the private sector use in determining our goals in negotiations, but we repeat the results of public sector bargaining are not generally considered. We do, however, feel that further labour unrest will be created by this legislation because employers will attempt to use it as a mechanism for the patriotic thing to do.

There are two specific examples where this legislation will, in all probability, cause strikes within our own organization.

The Ontario Stock Yards in Toronto is a provincially-owned crown corporation. The employees at those stockyards, who are involved in the handling of livestock, have been members of our union for nearly 40 years. Each time a new collective agreement is negotiated in the meat packing industry, a separate but similar contract is negotiated covering stockyard workers and each time they receive the same increase negotiated in the meat packing plants.

In June of this year, our union negotiated a new two-year agreement calling for wage increases of 13 per cent and 11 per



cent for Canada's four national meat packers. Next week the agreement of the Ontario Stock Yards will expire and we will be insisting on the meat packers' settlement, as we have in all previous years.

An even more unfair situation could arise with the passing of this legislation with a company called the Guelph Beef Centre. This is a modern meat-cutting plant located in the Guelph Correctional Centre. By agreement with the provincial government, 50 per cent of those employees are prisoners and 50 per cent are free citizens who enter the centre to work each day.

This is a modern beef plant which competes in the open market for business with other meat packers, who have already agreed to the previously mentioned 13 per cent and 11 per cent pattern. If it is the determination of the administrators, should this bill be enacted, that the legislation touches on this situation, we and the provincial government will find ourselves in a very difficult situation.

In conclusion, we ask the government, through this committee, that this bill be withdrawn and in its place a program of economic stimulation, including free collective bargaining be introduced.

Mr. Mackenzie: I take it from your brief you do not, but do you find any strong feeling amongst your membership--most of which is still in the private sector, as I understand it--that would support the comments made in the House that all we have to do is ask our people in the private sector unions and we will find out how quick they are willing and ready to support this kind of legislation in the public sector?

Mr. Park: No, they face serious problems arising out of the pattern of payment or conditions in the public sector. They see the problems they face where they were talking about very difficult negotiations or the trouble keeping up with the rate of inflation. They find those problems a result of government economic policies of a different character.

Many of them in many communities have relatives and members of their families working in the public sector and therefore have a better understanding than others might of the problems those workers face.

Mr. Mackenzie: I take it this bill could also have some serious effects in terms of what was probably a precedent-setting agreement in terms of the contract at the Guelph Correctional Centre and those working there?

Mr. Park: Yes. Many of us in our union think the program introduced at the Guelph Correctional Centre--the opportunity to earn both real wages and to work in a modern facility, the Guelph Beef Centre, and to experience the effectiveness of trade unions as an instrument for improving conditions of work that is provided to inmates--was a very important reform in terms of the reformatory and correctional policies of this province.



The possibilities this legislation creates for the collective agreement there are horrendous. Who is covered and who is not? It is a private corporation in this case, although many of its people come under the direct control of the province because they are inmates of the reformatory. It has always been based on the principle of open competition the marketplace for the commodities it produces.

Mr. Mackenzie: I notice your words are fairly strong. There is just one question I have not asked any of the other private sector groups that have appeared before us.

What would be the reaction of the members in your union if you had a government move here in Ontario that took signed contracts and literally tore them up and said, "You have neither the right to arbitrate or strike, and any appeals that did not even have a hearing or a written decision given in terms of the gauleiter who is in charge of that department"?

Mr. Park: We would be hard pressed as an organization bound under the laws of Ontario to stem that kind of reaction. I think the immediate reaction would be spontaneous wildcat strikes all over the place.

This is precisely because we have learned that what we bargain for we must live with for the term of the agreement. We do not take that lightly. We are prepared to live with it, but to see it simply extended without bargaining and ignored in many of its provisions would be something that would produce profound anger on the part of the membership.

Mr. Mackenzie: So, if the direction has been aimed at public servants in the hope that they have not reached a stage of development yet in their unions, they will respond this way. That is one of the tragedies of this particular bill.

Mr. Park: I think, if I might make this comment, what disturbs us in addition to the whole issue of collective bargaining and which we allude to in the brief, is that as a policy, the policy of restraint is essentially unsound, given the character and the situation in the present Canadian economy. If anything, it threatens to worsen the recession, rather than to improve it.

4:20 p.m.

This type of approach to deep recessions, virtual depressions, has been tried before. It was the policy adopted in the early part of the Great Depression by many governments and, quite frankly, only worsened that situation. We are seriously disturbed that the policy will, in fact, make things worse rather than make them better, and we think that experience has shown that that is likely to be the case.

Mr. Brandt: On page 3 of your brief you indicate that an influx of purchasing power would be required in order to set the economy back in a reasonable stable position again. I think there are some economists who would probably take issue with that and

indicate that part of the reason why we have been suffering from inflation, and perhaps even hyperinflation to a certain extent, is as a direct result of government spending, and government spending in many respects is a direct link with wage settlements in the public sector.

Do you feel, from the comments you have made and the statement in your brief, that a massive increase in settlements--let us forget Bill 179 for a moment. If we took the opposite approach and simply increased the settlement to employees in the public sector, do you feel that that would just automatically increase consumer spending and automatically stimulate the economy to the point where it would overcome some of the unemployment problems? Is that the principle you are putting forward here economically?

Mr. Park: I think, as a broad general principle, in times of unused capacity, static inventories, it is well established--I do not know what economists you read so I will not comment on their quality--that by increasing the available purchasing power in the economy, unused capacity can be used and consumer spending can lead to general economic increases in economic performance.

Certainly, doing the opposite can only have the effect of reducing demand in the economy, of reducing the disposable incomes of those who are in a whole variety of occupations in the public sector.

I think that the notion of the public sector as a particularly unproductive place to spend money is essentially false, particularly if we recognize the important engine within the economy which consumer spending is, and the fact that a significant portion of the spending of government passes through that mechanism. So it is our view that restraint or policies of this sort that are being spoken of here can only serve to reduce the base of income to the government and, rather than decrease deficits, increase them, or reduce services; to produce not the positive effect that proponents seem to think it will produce, but negative effects.

As to the reasons why the government has chosen to adopt what we would see as an ill-advised policy, I can only think that, like many other policy makers in this country, they are reduced to playing psychological games with the Canadian public, rather than introducing real, effective economic policies.

Mr. Brandt: May I pursue that? I would think you would have to come to the reality that the spending the government undertakes for whatever, programs, wages, whatever you might suggest, that that money in the first instance has to come from the public or from the taxpayer--that effectively government only has a couple of ways of raising revenues; one is through direct taxation and the other, which is a mechanism used by governments historically, is to increase the deficit and hope, at some point in the future, to be able to cover that deficit, again with taxation. So the money has to come out of the economy in the first

instance to be put back into the economy in the way which you are suggesting.

How does that increase consumer spending when you are taking money away from consumers in order to put it in the hands, ostensibly, of other consumers? One of the problems today is--

Mr. Park: Could I answer the question?

Mr. Brandt: I just wanted to indicate one other point before I ask for your answer.

Mr. Park: I thought you had.

Mr. Brandt: I have not finished my question yet.

Mr. Wrye: He does not get much chance to ask questions.

Mr. Cooke: This is a supplementary.

Mr. Brandt: The point I wanted to pursue was that there is an acknowledged large and very significant amount of money in the hands of consumers now which is in bank accounts--I do not say that is good or bad, but, because of a lack of consumer confidence, people are not spending. It does not necessarily mean that all people do not have money at this particular point.

I recognize the unemployed do not have money, or those who are on marginal incomes and so forth, but bank accounts are, by and large, in a relatively sound position. People are not spending money because of a lack of consumer confidence.

I think those things are somewhat intertwined. I am trying to come to grips with the economic philosophy you are putting forward here, because really that is at the crux of our whole discussion.

Mr. Park: I do not think there is anything particularly subtle or unusual in the proposition that we are making. I will not take you back through John Maynard Keynes' observations about the nature of mature free market economies. Let me say this: that we are not shocked, nor do we believe that the information available in terms of the size and level of government deficits indicates that it is the case, with the level of the deficit.

We believe that deficit financing, under these circumstances, is a legitimate and sound instrument for increasing economic performance--that it is traditionally the manner in which it has been done, to increase the deficit.

We do not believe, and I was heartened to hear that the economist for Woods Gordon shared our views, that there presently exists some notion of competition between the public sector as a borrower and the private sector as borrowers, and therefore a threat to investment by public sector deficit increases.

We think that, in addition to removing this bill and leaving the question of wage determination in the public sector to

collective bargaining, the government also should address itself to a serious program of stimulation in the economy with directed investment in one form or another.

I do not propose to discuss those particular issues, but we believe that that is a sounder instrument for producing economic health in Ontario.

Mr. Wrye: Mr. Chairman, I have just one question. I would like to get your feelings, as you read your memberships' attitude, towards the other side of this bill that is supposedly there and that is price restraint and how your members have reacted or are likely to react to a restraint package which, on the price side, includes a price increase in Ontario Hydro of 8.4 per cent which the Minister of Energy (Mr. Welch) says he is delighted with, a 17 per cent increase in OHIP premiums which was announced in May but did not take effect until the restraint period came in, and a continuation of the full rights of landlords here in Metropolitan Toronto, particularly in the situation which is now the subject of an emergency debate in the House, but also throughout the rest of the province, to have rent increases which they can justify before the Residential Tenancy Commission, which are far in excess of the so-called five per cent world. How are your members likely to react to all of that?

4:30 p.m.

Mr. Park: Our view is that the price side of this equation is so filled with permissiveness that it is a tattered curtain in front of clear intentions to only effect an impact on wages in the public sector, and presumably--based on some false assumptions about the nature of bargaining decisions and goal setting in the private sector on the trade union part--pass it through to the private sector.

So far our experience in this country, in its prices and wages commissions and anti-inflation boards and so on, is that the exercise has continually been to control only wages and not prices. This is not a new experience for us. We might be a little jaded and cynical about attempts in this area.

Mr. Chairman: Thank you very much, gentlemen, for your presentation.

The next group is from the Provincial Building and Construction Trades Council of Ontario. The brief is numbered 61. You have quite a number of people with you. Are they all from that council or are any from the other unions and councils that are under your name? Could you please clarify for me?

Mr. Koskie: My name is Raymond Koskie. I am the spokesman for those named in the brief containing the names of five unions. Mr. Strang, to my far right, is the spokesman for the Labourers' International Union of North America, Ontario Provincial District Council.

Mr. Chairman: Yes, and there is a brief numbered 62, a submission that is being circulated. These other organizations,



the Toronto-Central Ontario Building and Construction Trades Council, Ontario Allied Construction Trades Council; are they represented at the table here with you?

Mr. Koskie: I am the main spokesman for them and I will introduce those who are here on their behalf.

Mr. Chairman: Thank you very much. I understand you wish to make two presentations. Is it all right if we were to question at the same time?

Mr. Koskie: That is fine.

Mr. Chairman: Thank you. Carry on.

Mr. Strang: We filed with the clerk a copy of the labourers' brief a week ago. I think the brief summarizes the views of the Labourers' International Union. It is a union that represents some 27,000 workers in Ontario, most of them in the construction industry, and many of whom may from time to time fall within the purview of Bill 127.

When we looked at the legislation, we were very surprised to find our members might have been affected. Since that time we brought to the attention of our brothers in the building trades unions our concerns. These concerns are summarized in our brief, the reasons for them are set out there, but it does turn out they are shared by our brothers in the other building trades.

In the interests of time, we are prepared to defer to Mr. Koskie who, I think, speaks for the labourers as well as the other building trades in this important matter.

Mr. Koskie: If I may be permitted to introduce those who are with me today, to my far left is Barry Fraser, who is president of the Provincial Building and Construction Trades Council of Ontario. Sitting next to him is Donald McIntyre, who is the business manager of the Ontario Allied Construction Trades Council. Sitting next to him is Joseph Duffy, who is secretary-treasurer of the Provincial Building and Construction Trades Council of Ontario. Seated next to him and to my left is David Johnson, business manager of the Toronto-Central Ontario Building and Construction Trades Council.

Also here today, among my clients whom I represent, are James Phair, of the International Association of Bridge, Structural and Ornamental Ironworkers, and also Kenneth Woods, of the International Brotherhood of Electrical Workers. To my right, Bill Fairservice is here, vice-president of the Provincial Building and Construction Trades Council, and Trevor Byrne, who is vice-president of the Provincial Building and Construction Trades Council of Ontario. To my right is Stephen Tatrallyay, of my law firm.

Mr. Chairman and members of the committee, the organizations here today, that I represent and that have presented this brief, represent directly or indirectly all members of building trades unions in Ontario's construction industry. In terms of numbers, we

are talking of approximately 100,000 workers, which would amount to around 500,000 people including their families. It is therefore obvious in my view that we represent a very strong and important segment of Ontario's population.

The groups on whose behalf we appear, are named on pages 2 and 3 of the brief. I will not bother to go into that. You can read that at your leisure. Suffice it to say the workers represented by my clients today represent construction workers who are employed in both the public and the private sectors. Because they are employed in the public sector, they are vitally concerned about Bill 179.

Among the employers of construction workers who could be affected by the bill are such large employers as Ontario Hydro, which alone employs about 6,300 construction workers at its various projects. We are concerned about construction workers who work for utility commissions, municipalities and boards of education.

Our general view with respect to Bill 179 is that we--for obvious reasons that have been advanced and will be advanced to you--do not support the bill. We do not believe the restraint envisaged by this bill will make any meaningful difference in reducing inflation. However, we will leave that part of the submissions to the other unions which have appeared and will be appearing before you.

Our sole purpose in presenting the brief today is to deal mainly with the possible impact of the bill on the construction and related industries in the public sector. We do not concede that the bill is applicable to these industries. We suggest that perhaps unintentionally the Legislature included or might include construction workers involved in the public sector, particularly when one looks at the rather broad definition of employee contained in clause 4(g) of the bill.

It is apparent that the unique problems of Ontario's construction industry were perhaps not given due consideration before the bill was introduced. We submit to you that the bill ought to exclude workers in the construction and related industries who are employed in the public sector. I would like to elaborate on some of the reasons as to why they should be excluded.

As I indicated to you, one of the largest employers of construction workers in the public sector is Ontario Hydro. Ontario Hydro has a long history of labour relations problems in the construction industry, especially prior to 1974. This was acknowledged by this government, Ontario Hydro and the construction unions involved. As a result, everyone got together and Ontario Hydro was the motivating force behind the establishment of the Electrical Power Systems Construction Association.

This group consists of employers who are involved in construction on Ontario Hydro projects. It was formed specifically to try and bring about some stability in labour relations on

Ontario Hydro generating projects. So Ontario Hydro is the main member of that association and is joined with other private sector contractors who do work for Ontario Hydro on its projects.

4:40 p.m.

The first collective agreement was entered into with EPSCA and the Ontario Allied Construction Trades Council. The Ontario Allied Construction Trades Council is the union counterpart to EPSCA. That council represents most of the international unions who are involved in bargaining for construction workers of Ontario Hydro and its contractors. Those two parties entered into an agreement which, it is hoped, for the first time would bring some stability and harmony to labour relations on Ontario Hydro projects.

For some of you who are familiar with labour relations, I think you will find it is unique that this agreement, unlike any others, was for a period of 10 years. The agreement is to expire in 1984. The agreement has some very unique concepts to it in that, among other things, every two years that portion of the agreement dealing with the wages and benefits package is open for renegotiation and the parties have just recently reached agreement with respect to the wages for the final two years of this agreement.

One of the key factors of bringing stability to labour relations on Ontario Hydro projects is that the parties try, and indeed have succeeded, in matching the wages and benefits to those being given to their counterparts involved in other sectors of the construction industry; for example, the industrial, commercial, and institutional sector. You have to appreciate that members of the unions work on Ontario Hydro projects one day, but the next day they could be working on private sector projects in what we call the ICI--industrial, commercial and institutional--sector. It would be ridiculous to have these people working under different terms and conditions because they are very mobile in the construction industry.

Furthermore, one has to appreciate that Ontario Hydro is the largest employer on their projects, but there are private sector construction companies who do work for Ontario Hydro on their projects using members of the same union involved as employees of Ontario Hydro. There would be a tremendous amount of instability if members of the same union were working alongside of each other and receiving different wages and conditions of employment.

That was the subject matter of the Ellis report which I referred to on page 9. The Ellis report dealt with an inquiry into labour relations of Ontario Hydro projects and pointed out very clearly that before the EPSCA allied council was established there was a tremendous amount of instability in the labour relations of employees, including those of Ontario Hydro and its contractors' employees. Once that group was put together, it seemed to have removed all those problems. Generally speaking, over the past eight years the concept of the EPSCA allied council agreement has been a tremendous success.

Now, we respectfully suggest that will be put in jeopardy

and I will explain to you why. You have to understand that the main reasons for the success of the concept is that the employees in power sector projects receive the same wage and benefit package as they would receive if they were working in the ICI sector, and members of the same union, working on Ontario Hydro projects, have the same working conditions regardless of whether their employer is Ontario Hydro or one of Ontario Hydro's contractors.

Bill 179, in our view, threatens the continued stability of which I have spoken. On page 7 I elaborate as to why that stability will be affected.

First, we anticipate that if the bill is applicable to Ontario Hydro employees, these employees will tend to avoid any reduction of wages and therefore will seek employment outside of Ontario projects. They will want to work on ICI projects or they will seek employment in other provinces. This will result in a very serious shortage of skilled labour, a problem we are already faced with and one which I'm sure we do not wish to magnify.

Second, private contractors who normally bid on power projects will be at a distinct disadvantage now because if Ontario Hydro is subject to the bill, Ontario Hydro will be able to bid at substantially more favourable prices on its own work. This will have an unfair restraint on competition, to say nothing of the rather precarious financial position the subcontractors and their employees will be put in. This development will be clearly contrary to this government's expressed attitude of supporting private industry as evidenced by its Board of Industrial Leadership and Development program.

Third, Ontario Hydro employees will find themselves working alongside members of their own union who are employed by a private construction company, but the Ontario Hydro employees will be receiving substantially less benefits than their counterparts will for the same work. In other words, there will not be equal pay for equal work. I would have thought this is the kind of concept the government would try to avoid.

In my respectful submission, if the bill is applicable it will result in a far more chaotic situation than we had before the pre-Electrical Power Systems Construction Association situation. At least in the pre-EPSCA situation, wages were consistent on Ontario Hydro projects. Now with the possible advent of a divergent wage structure as a result of the bill, the irrationality and instability which was commented upon in the Ellis report can only be worsened.

Next, because of the potential lower wage rate for Ontario Hydro construction workers, many potential apprentices who want to become journeymen in the skilled trades will seek employment elsewhere, and this again will have a dramatic effect on obtaining skilled construction workers for Ontario Hydro projects.

Those are the reasons why we feel there will be a very serious impact on labour relations for Ontario Hydro. Also, the same reasoning would be applicable for construction workers who are working for municipalities and boards of education where they perform construction and related work.



I'd now like to comment upon job security generally. The bill, as you know, purports to impose wage restraints on employees who do have or are supposed to have greater certainty of continued employment. In fact, in the speech the Premier (Mr. Davis) gave on this matter on September 21, 1982, he pointed out that the restraint must be on those who do have greater employment security and who are not subject to reduced working hours or total loss of income through layoffs.

Of course, the interesting thing is that the very group of people who are subject to loss of income and layoffs are the construction workers whom we represent today. They are very much unlike the public servant or the civil servant as the public commonly know them because they do not have all the benefits of a guaranteed work week, sick pay accumulation and things of that nature.

The construction worker, whether he works in the public sector or in the private sector, is subject to the same vagaries of the construction industry. You gentlemen know the construction industry. You have heard the problems of the construction industry, of the tremendous layoffs we've had and will continue to experience. That is not the sort of thing that one thinks of when one talks of civil servants.

We really are in an apples and oranges situation. You really can't compare the construction worker with the civil servant as envisaged by Bill 179. You know that construction workers in the public sector are generally hired through the hiring hall system, as indeed they are in the private sector. In short, construction workers in any sector do not really have the same kind of job security as the nonconstruction worker has in the public sector.

What about the existing financial hardship in the construction industry? I don't think I need belabour that. It's trite that the industry is plagued with chronic unemployment and bankruptcies from the employers' point of view. In my respectful view, the federal and provincial governments have done very little to improve upon that situation. We appreciate that there have been some loan provisions and grants have been made available by the federal and provincial governments, but that has not really had any appreciable effect in increasing employment opportunities at all. All it has really done is enable builders to get rid of the inventory which they've accumulated over the years.

Our people are involved in sectors other than residential, as you know, in industrial, commercial and institutional, in sewers, watermains and roads. These grants and loans do nothing to help them at all. As you can appreciate, the construction worker must go where the work is. This results in additional expense. They have to leave their homes. They have to board wherever they find the work. This adds to the expense which the construction worker has. People in Toronto may have to work at Bruce Generating station, and all these expenses add to the cost of working the employee must bear.

I know that certain construction workers do get subsistence allowance if they maintain a principle residence in one area and have to work at a more distant area. But that subsistence allowance, where it is available, is not intended to compensate that employee fully for all the expense he has to incur.

This says nothing of the fact that the construction worker, unlike most public or civil servants, has to supply his own small tools. He has to supply his own safety wear and in many cases he is not reimbursed one penny for this. Of course, this government has treated construction workers as being separate from other industries. On page 13 I go through where this has happened.

For example, under the Ontario Labour Relations Act there is a separate code which deals only with the construction worker. In the Employment Standards Act many of these provisions are simply not applicable to the construction worker. For example, termination of employment provisions are not applicable to the construction worker. If they are laid off, no notice has to be given and they can't make any claim unless they're laid off for unlawful cause. In short, the construction worker is not protected in the main nor does he have the same protection as civil servants would have under the Employment Standards Act.

Under the Occupational Health and Safety Act there is a separate regulation dealing with the construction worker. In the Mechanics' Lien Act there is legislation which deals specifically and only with the construction industry. The very existence of that legislation underscores the frailties of the construction industry.

As most of you know, the Ontario government has introduced for first reading a revision of the Mechanics' Lien Act under which the construction worker is now being asked to take five per cent less on the holdback provision. The holdback is going to be reduced from 15 to 10 per cent. Obviously, this has to affect the security of the construction worker. What this points out is that, again, the construction industry is treated separately and apart from other industries. We ask that you, in your deliberations, keep that in mind, that when the construction worker works in the public sector, he is not comparable with the nonconstruction worker in the public sector.

In conclusion, gentlemen, I respectfully submit that the government could not have intended Bill 179 to apply to public sector construction workers, particularly when you consider the many differences between those workers and general public sector employees. There can be little doubt that the construction worker is already in a very seriously disadvantaged financial position, which I'm sure you will concede has very little prospect, in the short range, of being alleviated.

We respectfully submit, first, that the bill be withdrawn, or alternatively, that it be clearly amended to provide that it does not apply to public sector construction workers. Thank you, gentlemen.

Mr. Chairman: Thank you. Any questions?

Mr. Breithaupt: I suppose we should first start off by inquiring of the parliamentary assistant whether the submission made does properly and clearly outline government policy or not. Does the bill, in fact, intend to be applicable to the construction worker in the public sector?

Mr. Jones: Yes, they are included.

Mr. Chairman: In fairness, I might say the Treasurer is going to meet with Mr. Axworthy who is here. That's why the parliamentary assistant has taken over. Any further questions?

Mr. Breithaupt: That's the only one I wanted to ask.

Mr. Mackenzie: I take it your policy is really that the power sector agreements and the industrial, commercial and institutional agreements should be as close as possible.

Mr. Koskie: Consistent with the trend over the past several years. That's right.

Mr. Mackenzie: Your brief is a clear one and a good one. Have the building trades also taken a position at your convention recently in terms of Bill 179 and support for public sector workers?

Mr. Koskie: Yes, the recently held convention in Ottawa did pass a resolution to oppose Bill 179 in its entirety. That is one of the reasons why we are here today.

Mr. Mackenzie: I would also suggest that you might take that copy of Hansard with you and pass it around. It would be interesting to note, in view of the question from Mr. Breithaupt, that the position of the leader of his party is that, one, the bill in Ontario should cover all workers, private as well as public; two, it should be for a longer period of time; and, three, he desperately wants legislation at the end of the control period so that there will be no catch-up period.

Mr. Koskie: We will take note of that, Mr. Mackenzie.

Mr. Chairman: Thank you very much for your presentations gentlemen.

The next scheduled group is from the Ontario Secondary School Teachers' Federation, district 1 of Windsor. Are they here? May I point out that according to the schedule the Windsor group was to have been with the OSSTF from district 26, Ottawa, but I understand that they cannot fly into Toronto. They cannot reach here and they have requested rescheduling. We will have to deal with that later. Only one group, district 1, will be with us at this point.

Would you carry on, please? You might identify yourself. Are you Ms. Zanin and Mr. Bryce, the two mentioned here? Thank you. The briefs will be coming in a minute or two when they are photocopied, but carry on if you would, please.

Ms. Zanin: Thank you, Mr. Chairman and members of committee. I would like to introduce my colleague, Bill Bryce, who is the past president of our district and a former negotiator and I am Sue Zanin, president of district 1, OSSTF, representing the 735 teachers of the secondary schools. I would like to say first, ladies and gentlemen, that we support wholeheartedly the brief that was presented yesterday by our provincial organization OSSTF and we are here today to give you our specific concerns related to our local view of Bill 179.

Windsor secondary school teachers strongly oppose this piece of legislation which would provide wage controls for the public sector and loss of bargaining rights. Windsor teacher-board negotiations have been marred by several years of severe tension, including three successive strikes between 1972 and 1976 and over two years of negotiations and mediation before an agreement was reached in 1979.

The fact that the present collective agreement between the Windsor board and its secondary school teachers was freely negotiated in three months of meetings during the spring of 1981 before the expiry date of the previous agreement is overwhelming proof that Bill 100 provides an effective process for teacher-board negotiations in Ontario.

The present agreement spans a three-year period from September 1981 to August 1984 and was negotiated without even the aid of fact finding or mediation. We have come a long way in our relationships with the Windsor board. Teachers were cognizant of the very serious economic recession in both Windsor and the province and we proposed a wage settlement that was both restrained and reasonable.

The Windsor board accepted our proposals and ratified this agreement with only one dissenting vote among its 16 trustees. It is very distressing, therefore, to be accused by the Ontario government of making excessive wage settlements that contribute to inflation and it is unacceptable to have the government then superimpose further wage controls on our freely negotiated collective agreement.

We do not, we feel, have an inflationary contract. Our basic remuneration is composed of two parts, a salary grid which spans nine years of teaching experience and four categories of teacher qualifications and a cost of living allowance which is reflective of consumer price index changes. This is one of the things which makes our district, I think, somewhat unique.

#### 5 p.m.

For the period September 1983 to August 1984, which is the year under which we would be under control, the salary grid increases range from one per cent to five per cent over the previous year's grid. The steps on our grid are not uniform in their increase in pay but range from one to five per cent. With a cost of living allowance based on an estimated 12 per cent



increase in the CPI, our salary increase would be approximately 1.5 per cent behind the CPI increase, and if the COLA is based on an estimated 10 per cent to 10.5 per cent increase in CPI, our salary increase would be approximately one per cent behind the CPI increase.

Thus, even without controls, we will not be keeping up with inflation. In fact, since the lifting of the federal government's anti-inflation controls in 1976, we have steadily fallen behind CPI increases by a total of 16.2 per cent. This trend is borne out by the recently released Auld study of Ontario school board salary settlements. We feel that this gap will be greatly compounded by this five per cent control year as proposed in the legislation.

If these proposed wage controls are implemented, Windsor teachers can see great confusion in applying the five per cent limit to the Windsor compensation plan. Because our remuneration is composed of both a salary grid and a COLA, and the salary grid itself will not constitute a five per cent increase over the previous year's remuneration, many combinations of grid and COLA, etc., are possible or seem to be possible as we consider the legislation.

Teachers fear that the method of calculation of remuneration will be determined by the Windsor board as a management right or will be determined by the inevitable bureaucracy of the Inflation Restraint Board. Such a determination will have an important impact on our COLA fold-in which provides for the establishment at the end of the collective agreement of a new salary grid which reflects actual remuneration received during the last contract year.

We foresee that the confusion resulting from the ambiguity of the legislation may lead to the development of a climate of frustration and distrust again between the Windsor teachers and the Windsor board and open up the old wounds of the past so recently healed. Such struggles cannot help but have an impact on the learning environment in our schools and ultimately adversely affect our students.

Windsor teachers also object to the \$35,000 limit on salary increases for experience and/or successful completion of professional education as proposed in section 12(5) of the legislation. This section, in effect, will mean that some teachers will receive salary increases and other teachers will not receive salary increases for achieving the same type of greater experience and/or professional training.

All teachers work long and hard to improve their teaching qualifications and gain teaching experience, but some will be caught at the wrong stage at the wrong time to realize these salary improvements. Bill 82 calls for teachers to gain additional qualifications in special education and many Windsor teachers are doing so, at their own expense, to meet the special needs of exceptional students in our schools.

The legislation proposed in this Bill 179 would prohibit some teachers from receiving financial remuneration beyond the \$35,000 mark for these additional qualifications. Situations such as these could result: Some category 4 teachers will be paid a category 3 salary and some teachers with nine years of experience will be paid for only eight years of experience or somewhere in between; we are not sure. Teachers find these inequities unfair and unjustified as they impact on individual salaries rather than compensation rates.

In effect, the legislation would create a number of new compensation rates for teachers whose salaries are currently above or around \$35,000. As well, it seems these inequities could be perpetuated forever, according to the provisions of section 19, which would prohibit post-control realignments. We envision a situation where there could be not just one grid for secondary teachers, but several hundred grids as each individual teacher is pegged at a certain spot.

Windsor teachers are astounded at the government's suggestion that we enjoy job security. Since 1976 we have been experiencing the severe effects of declining enrolment with the loss of 120 teaching positions. That is in six years. Many of our members have found jobs teaching in other provinces or have started or returned to jobs in business and industry. Some take early retirement or leaves of absence without pay to cushion for their colleagues the effects of declining enrolment. Teachers with as much as eight years of experience face layoffs and opt for severance pay, part-time employment or occasional teaching.

Projections of student enrolment to the year 1990 and beyond show a continuing trend of decline. There is no turnaround in sight for enrolment for Windsor secondary school teachers. This legislation, which removes bargaining rights from us and adds wage controls to the already severe problem of declining enrolment and job insecurity, is very offensive to the Windsor secondary schools.

In conclusion, gentlemen and ladies, we appreciate the opportunity to fly in here today and make our concerns known to you and we would be glad to answer any questions that we could to help clarify our points.

Mr. Cooke: I just have a couple of questions, Mr. Chairman. I did have the opportunity to discuss, as you did with all the local MPPs in Windsor, some of your concerns about this bill. I remember when you signed your first three-year agreement. You are in your second three-year agreement now, are you not?

Ms. Zanin: Yes.

Mr. Cooke: I remember when the first one was signed. I think it was a year or so into the actual agreement or past the time the old one had expired. I spoke with an individual who is a member of the Legislature and he said to me he thought it was the vindication of Bill 100 and proof positive that the right to strike in Bill 100 worked. That individual is Tom Wells. Would you agree with him?

Mr. Bryce: Mr. Cooke, Bill 179, which we are here to discuss today, is ostensibly a wage and price restraint, and yet it gets into taking away collective bargaining rights. If the legislation said you can only get X per cent, whether you went out on strike or not would seem immaterial. We do not see how the collective bargaining process really fits in this legislation.

Windsor has gone through in 10 years what labour relations have done in 100; we have reached two three-year agreements without strike. The relationship between the teachers and the board of education for the city of Windsor is one of mutual respect and I think that is the grounds on which labour relations should occur. In Bill 100, the equal footing on which we have been placed allows for this respect. Therefore, I think Bill 100, in answer to your question, has been vindicated in Windsor.

Mr. Cooke: I would just like you to expand on one particular aspect of your brief. It is a real concern of mine because I did have some involvement in that period that was rather difficult in Windsor with the board. I remember how difficult the situation was, from a perspective of being a trustee at that time, and how the community felt and how the teachers felt.

5:10 p.m.

Luckily, that is now water under the bridge, but it is a serious concern, not only of yours but of people in our community, that this bill will turn us back to where we were in 1974, 1975 and 1976. Are a lot of teachers very concerned about that? You are going to want to look at making up some of the things you are going to lose as a result of the bill. Have you talked to any trustees about this and is there concern on both sides, or are they looking at this as just a way that will help them out on the mill rate perhaps? What do you really think the long-term effects are going to be for labour relations with the Windsor board?

Mr. Bryce: The trustees are concerned that the shares of educational grants have decreased in the last six years and that has put a burden on the local taxpayers. Therefore, even though they may feel a wage settlement of X per cent is fair and just, they also have to look at the local property tax assessment that we go through.

I think the local trustees, who understand the process--and I think most of them do, although with the current election we do not know what will materialize--are cognizant of the fact there is a fair settlement here. The vote was 15-1. There was no strike and there was no threat hanging over these trustees' heads. They saw the teachers had used common sense, had negotiated a fair settlement, had taken into account a lot of things that were beneficial for the educational system in Windsor, and the trustees voted 15-1.

In terms of turning us back and trying to determine how the wage component of a salary and a cost of living would be applied under the five per cent ceiling, the teachers in Windsor feel that if the legislation is ambiguous it might allow for some



interpretations that may not be in the overall best interest. If the Inflation Restraint Board makes the determination, we do not know what will happen.

The maturity our teachers have shown in negotiations in the last five years demonstrates that we are concerned about the educational process. We do not want those wounds reopened. We do not want to be made the scapegoats of legislation that says the teachers are a public sector group that is causing inflation throughout the province. The report done by Douglas Auld shows--and our own statistics show--that we are falling behind inflation. It is kind of hard for us--and maybe we are just teachers and therefore somehow stupid--to figure out how we are causing inflation when we are behind it.

Mr. Wrye: First, just to clarify matters for me, you have a three-year agreement in which you entered the second year on September 1. Is that correct? It is not caught by the legislation, so you are looking at the third year of the agreement. Did the three years basically track the same settlement in wages and benefits?

Mr. Bryce: Yes, sir.

Mr. Wrye: What would be your views--I suppose the impact of five per cent would be lessened, as Mr. Lalonde has estimated--if inflation in 1983 runs at an annual rate of about 7.5 per cent, given the fact your restraint period will not kick in until September 1983?

Mr. Bryce: Part of our wage component is cost of living. We would be quite happy if the cost of living was zero for the whole country, but unfortunately it is not.

Mr. Wrye: The whole country would be too. Your brief speaks of two problems. My colleagues the members for Windsor-Riverside (Mr. Cooke) and Windsor-Walkerville (Mr. Newman) and I have all had a chance to meet with the local district of the OSSTF. In our meetings, and in your brief today, you have reflected frustration, particularly in two areas that, even if the bill is not withdrawn, can be amended.

The first is merit pay. I guess you sense you have been, in effect, put into a system of double jeopardy through merit pay, first, by the limitation of wages and then by a limitation of steps through the grid or through categories. Is that fair? Is it fair to suggest that one of the things most bothering teachers in Windsor from your district of OSSTF is the merit pay provisions and the anomaly of having them kick in at \$35,000?

Mr. Bryce: I do not think it would be fair to say that is what bothers them most. It is the imposition of the loss of collective bargaining which we feel may be a prelude to simply at the end of this legislation saying, "We survived for two years; therefore those provisions in Bill 100 may be struck out." We are concerned about the long-range effect too. We have several concerns.

Mr. Wrye: That brings me to my second point. The second problem raised with me privately at the meeting, and I presume with my colleagues, was your concern that the removal of collective bargaining because of the removal of the right to strike or go to arbitration is really a sledgehammer approach. It is going to remove your right to bargain noncompensation issues such as class size, such as the impact of Bill 82 and a number of things. Is that fair?

Mr. Bryce: I think the whole premise of collective bargaining is that each side is on an equal footing. The right to strike is simply that. It is not something one resorts to just because it is fun to go on strike. When you bargain with an employer and the employer does not have to face arbitration and does not have to face any clout other than whatever public sentiment tactics you can generate, then you are not on an equal footing. The whole collective bargaining process would suffer.

In the non-economic issues--like the staffing required for Bill 82, which the Minister of Education has, with the law of justification, brought through the House--we feel that bill would be negatively affected. The board would be placed under additional financial constraints to get the teachers necessary to provide special education services to a group which has not had the benefit of those services for some time.

We feel this whole bill is part of a whole series of legislative moves. I suppose you can think we are here selfishly looking for the big buck, but I assure you there is a lot of professionalism in our group and we are concerned about the quality of education we provide. We are happy to be able to provide the services that Bill 82 will, but it cannot be done without the trained personnel.

Our people, through collective agreements that have been going on for years, have been able to increase their category placement by taking additional training. For those people who, in good faith, have undertaken that and invested sums of money--a summer away at summer school with tuition costs can cost \$1,000 or \$1,500--the professionalism is still there, but they expected to at least get some compensation to offset their expenses, and now that is wiped out.

We just do not see that as equitable. One of the key motivators in industry is equitable treatment of all members of the organization. We see the public sector group as not being equitably treated and the big club can have a negative impact over a time. Professionals play above pain and they play above a lot of things, but only for so long, and I am saying that in all sincerity. We are afraid this will have a deleterious impact on the whole educational process and we just have to express our concern.

Mr. Wrye: Because you have a collective agreement in place, you will not be bargaining in any case--I think I am correct--during the restraint period on noncompensation issues. So you are not approaching this from a position of greed at all.

Would it solve some of the concerns you expressed quite eloquently this afternoon and the concerns of other teachers in other districts, if the legislation were amended to define the removal of the right to strike, which is a serious enough club as it is, only in the narrow noncompensation issues, thus leaving it everywhere else? That would indicate that the restraint program is just that; it is a one-year program on the compensation side and has nothing to do with something that my happen after the control period, and you have expressed your concerns in terms of Bill 100 and other legislation. Would that ease some of the concerns you are feeling?

5:20 p.m.

Mr. Bryce: While we appreciate the intent of such an amendment as you would propose, we think it would be a Band-Aid to a very seriously ill piece of legislation. The Band-Aid would probably unravel and wear off before the scab had been allowed to heal. Though we appreciate the application of the Band-Aid, we do not think it would be successful in achieving the real need we are concerned with.

Ms. Zanin: Could I answer that by sharing an experience I had on Friday? I was asked to come and speak about Bill 179 in the staff room of our largest secondary school, a school with a staff of over 90 teachers. When I walked in there was a large number of teachers who came to hear about it and to ask questions and to have their concerns clarified. The atmosphere in the room was one of apprehension but there was calm. However, the more we talked, the more questions were asked and the more parts of this legislation we discussed, the more irate, upset and antagonistic the teachers became.

There is no single part that can be improved; it is one thing after another after another. We looked first at the loss of bargaining rights, we looked next at the awesome and dictatorial powers of the Inflation Restraint Board. We talked about the five per cent wage controls we would be under, the impact it would have on our wages over that period of time, the long-range impact it would have on the pensions of our teachers who were close to retirement.

We looked at the effect of declining enrolment and the insecurity we face. We had one thing on another, on another, on another, and then we looked at section 19 and tried to interpret that. We feel there is no catch-up, there is no realignment, there is total confusion there. We talked about the \$35,000 limit, and there is total confusion there as well. It is just one thing after another, and teachers were upset and demanding some kind of action on the part of our organization to oppose it.

Mr. Wrye: Your views, by the way, on realignment are correct. The Treasurer (Mr. F. S. Miller) indicated there will be no realignment; if you are in step 7 you will not jump to step 9. I just tell you that for your own information.



Mr. Brandt: With regard to the \$35,000 ceiling, Mr. Wrye has talked about the problem with respect to the stages or the categories that would be affected by that particular limitation. You touched on this without really qualifying the impact. I wonder if you have either worked out any numbers or if you have any indication in specific terms of what the long-term pension impact would be on the people you represent.

Mr. Bryce: In terms of looking at the number of people affected, all of our administrators, principals, vice-principals and department heads, anybody in an administrative position, could very well be caught in a sort of in-between step. If you have X number of steps on the grid, but you cannot get that full increase, they would be impacted by this, in terms of looking at how many people retire.

I think the legislation may force people who may have been anticipating to retire with a full pension when they reached the 58 or 59 year age bracket--age plus experience equalling 90--to stay on and work because they are not going to be able to take the reduced pensions. We have been counting on retirements to keep younger teachers employed.

In terms of absolute numbers, which is your basic question, it is very difficult for us in our district to calculate specifics because we do not know what an individual is going to do. You could sit down and say, "Mr. So-and-So has decided to retire, and this is the impact on his pension," but that is theorizing a bit. Over time it looks like--again, depending on a person's lifespan--he could lose \$10,000 in the pension if he happens to live long enough.

Mr. Brandt: Because the bill is relatively new and the time frame of your appearing before us has been relatively short, I wonder, Mr. Chairman, if this group might be able to provide--at the very least, to the committee or to myself since I have addressed the question--a sort of worst case scenario, even it was a single individual.

I raise the question because we have addressed the problem with the Treasurer. At some point in our hearings we are to be provided with some figures relative to what the impact might be. There is some suggestion the pension impact may be relatively minimal. We would like to hear if there are some horror stories and some very serious problems that result from it. I realize there are going to be some problems. I don't question that at all. The degree of the problem, however, is what I would like to be aware of. If you could do that for me or for the chairman through to me, I would appreciate that. Would that be possible? I'm sure you couldn't do it now, but at some future point.

With regard to your comment about the 120 lost jobs--just so I can put this into perspective--what happened to the relative equations with regard to classroom size? Did enrolment fall in appreciable numbers so that classroom size actually went down, or did it go up as a result of the 120 lost jobs, to use your figure? In other words, the two are related in some way, but what really happened in terms of classroom size?

Mr. Bryce: The pupil-teacher ratio has declined from 16.5 to about 16.4. We have, by negotiations, reduced it by one tenth of a point. I think as Windsor moved into the beginnings of special education, we robbed Peter to pay Paul. In the academic classrooms, if I can cite my own case, I am a computer science teacher and I have every desk full in my four computer classrooms. In the law class I teach, I had 41 students in a 35-seat room on the first day of school.

We have set up the beginnings of special education, but the academic classes are to the seams. That's my own personal experience and that is what seems to be happening. The enrolment has declined and the pupil-teacher ratio has declined minimally. What we have done is set up the beginnings of special ed where there are very small pupil-teacher ratios but we have charged it to the academic classes.

While we think the special education is absolutely necessary, we do feel the other students--parents of ordinary pupils, we've heard kicked around--have rights, too. Their kids should not have to be put into bigger and bigger classes. In one facet the classroom size has gone up. I'm not sure if that answers your question.

Mr. Brandt: Yes.

Mr. Bryce: I am just saying the population is paying that price.

Mr. Wildman: From your presentation it's very clear your position is that the bill should be withdrawn, that the cumulative effect of all the various things within the bill have led you to the position that the bill is a bad piece of legislation and should be withdrawn.

With respect to some of the questions asked by my colleagues on the committee, for instance, those dealings with pensions or with the question of so-called noncompensatory clauses that could be negotiated in a collective agreement, do you think that collective bargaining could work in any way as you understand it if the right to strike were restored for noncompensatory matters such as class size, while the compensatory side of your contract was already decided by an outside authority? In other words, is it possible to negotiate one and not the other in your understanding of collective bargaining?

5:30 p.m.

Mr. Bryce: I think the collective bargaining process involves the whole collective agreement. In the negotiation process there is some give and take on both sides, and part of the process is what is collectively acceptable. To pull out one part of the collective agreement and say, "No, we'll set that over here and we won't touch that and these few ones we can deal with," makes a mockery of the collective bargaining process, as labour authorities would acknowledge. I say that in all sincerity.

Mr. Mackenzie: On Tuesday night last just short of 700 teachers met in my own community. They had invited all of the local members, although not all showed. The discussion and comments on the bill expressed the same thing you're commenting on, namely, a sense of anger and a beginning to understand exactly what was happening. I'm wondering if there has been more than just your one school with the 90-odd employees expressing this, or whether this is a process that is developing generally in the Windsor area or the other areas as well, just as it did with the 700 teachers in Hamilton.

Mr. Bryce: In Windsor on November 9 there will be a meeting of teachers from the elementary, the secondary and the separate school panels from the counties of Essex and Kent. The whole gist of that meeting is to make sure the teachers understand. We have found when they fully understand what the impact of this legislation is, we're reminded of what happened back on December 18 in the mid-1970s where some retroactive legislation took away some rights of the teachers who had resigned and made it illegal.

Our teachers see this as the same sort of process. You may not view it as the same and it may not be fair to view it as such, but perceptions are a political reality. They see this as a very similar piece of legislation. That's their view. That's the conclusion they draw into the interference with agreements that are already negotiated, into the arbitrary limitations that are being put on noncompensation items and so on.

Mr. Chairman: Thank you very much for your presentation. The next group is from the Equal Pay Coalition. Theirs is exhibit 64. The last one from the Ontario Secondary School Teachers' Federation that was circulated during the presentation was exhibit 63.

Ms. Cornish: Good afternoon. My name is Mary Cornish.

Mr. Chairman: You might identify the people, please.

Ms. Cornish: Yes, I will. I'm a representative from the Law Union of Ontario which is one of the groups in the Equal Pay Coalition. I'll just go through the people. On my far right is Lynn Taylor, who is with the York University Staff Association. Next is Jo Saxby, who is with Times Change. To my immediate right is Laurell Ritchie, who is with the Canadian Textile and Chemical Union. To my far left is Karen Herrell, who is the president of the York University Staff Association, and to my immediate left is Shelley Acheson, who is the human rights director with the Ontario Federation of Labour.

Ms. Laurell Ritchie and I will be dividing the presentation we intend to give to the committee today. As you can see from page 4 of our brief, the Equal Pay Coalition is a coalition of approximately 20 organizations within Ontario which represent over 900,000 Ontario women and men from a fairly broad and diverse grouping of people that includes, as we've indicated, the Ontario



Federation of Labour, the Young Women's Christian Association of Metropolitan Toronto, the Ontario Public Service Employees Union, the Confederation of Canadian Unions, the Business and Professional Women's Clubs of Ontario, Organized Working Women, the Law Union of Ontario, the Canadian Union of Public Employees, the Canadian Textile and Chemical Union, the National Association of Women and the Law, Times Change, Women's Counselling, Referral and Education Centre, Elizabeth Fry Society, the York University Staff Association, the Canadian Union of Educational Workers, the Federation of Women Teachers' Associations of Ontario, and the International Women's Day Committee.

Kay Sigurjonsson from the Federation of Women Teachers' Associations and Sheila Luca from the Ontario Secondary School Teachers' Association were also here, but unfortunately had to leave due to time constraints.

The basic position of the Equal Pay Coalition is essentially that wage controls are a form of sexual discrimination against working women. The coalition opposed the wage controls that were enacted in 1977 and we see no reason to feel any different today.

Wage controls are unfair to workers generally, but they are particularly unfair and detrimental to women. At best, the wage controls freeze the inequality women presently face and at their worst they increase the gap between men and women by encouraging the use of percentage increases which widen the gap between the lower paid women workers and others.

While the gap between the average male and female income in the Ontario civil service stands at \$6,271--that was the 1981 figure--this gap will increase by \$313 to \$6,584 if a five per cent increase is applied to those incomes. In other words, while there is a disparity already of \$6,000 between men and women in the civil service, this disparity will increase even further by applying a five per cent increase overall to male and female workers.

Furthermore, the coalition sees the bill as a major roadblock in the drive which the coalition and the working women and men of Ontario have been taking with respect to the principle of equal pay for work of equal value. In order for women to enjoy wage parity it is essential that they negotiate large pay increases in order to catch up, and preferably larger increases in those in the male-dominated categories. Even the small gains that the Ontario female civil servants have been winning have been eroded by Bill 179.

In particular, for example, the Ontario Public Service Employees Union negotiated an 11 per cent wage increase in the government clerical and office services categories. I think you'll see from the statistics that this increase was a higher increase than the overall wage increase that was negotiated for civil servants generally. Clerical services is 79.5 per cent women; office services is 95.6 per cent women.

The result of Bill 179 is that these wage increases will now be rolled back. In other words, the efforts of OPSEU to negotiate

a higher wage increase for female-dominated job categories has now been eroded by the bill. I think you can compare this to the situation of the female-dominated job categories that resulted in a \$17-million advance federally under the federal equal value legislation. There were similar job categories in the federal general service category. They were comparing, for example, the laundry and cleaning staff with the storemen in the federal civil service where there was a \$17-million settlement.

Furthermore, one of the major concerns the coalition has is that since the cost of any benefits that are to be negotiated, the cost of maternity leave or the cost of day care, for example, must now be counted into part of the five per cent package. Public sector women might as well forget any advances they might have made in equalizing those wage conditions.

In other words, the sources of dealing with the discrimination of women aren't merely just the main wage increase, but rather attempting to negotiate better conditions and equalizing conditions for women in the work force. If, for example, you have to include in the five per cent increase the cost of either subsidizing some form of maternity leave or the issues of having further day care or day care at the work place, you're hardly realistically going to be able to do that within the context of a five per cent increase.

Furthermore, with collective bargaining and arbitration virtually suspended, even the nonmonetary costs of benefits will basically come to a halt. Because in either event, if you were attempting to negotiate clauses with respect to antisexual harassment matters, or clauses dealing with affirmative action, there is now no incentive on the part of an employer to negotiate with respect to that because there is no way in which you can force any of those matters to a conclusion.

5:40 p.m.

The Minister of Labour had promised the coalition in late August that he would carry the message of the coalition concerning the effect of the wage controls to cabinet. Certainly from the coalition's point of view the answer we received was quite clear in the introduction of the bill. As far as we are concerned we consider that the government has slammed the door shut in the face of public sector working women who have been struggling to negotiate for equal pay for work of equal value and for equalized working conditions.

We also feel that the Minister of Labour misled the House when he advised on October 1 that the bill "does not distinguish in its terms between male and female employees and is therefore neutral in its application." Certainly the discriminatory effects of Bill 179 are quite clear and anyone even slightly familiar with the issues that have been raised with respect to working women recognizes the disparate impact that any bill that deals with percentage increases has on working women.

The minister's assurance to the House that, in fact the bill provides for the exemption of any successful complaint under the

present equal pay laws from the five per cent increase allowed is utterly useless in that it is generally recognized that the present equal pay laws are totally inadequate and do not allow women to compare themselves to men in dissimilar jobs. Therefore, they have no application to the majority of women who work in female job ghettoes such as clerical work.

Furthermore, we would like to draw to the attention of the committee that women at the present are living under a form of wage controls in that there is no effective equal-value legislation in the province.

In effect, women's wages are now set at 40 per cent less than men which is a wage control in and of itself and this will continue without effective equal value legislation. The position of the coalition is that the government should not add to this already heavy burden by lowering their real wages even further.

The coalition feels that workers' wages, and particularly the low wages of women workers, are not the source of inflation. If the government is truly concerned with finding just and effective remedies to unemployment and inflation they will pursue a fairer approach than mandatory wage controls and the suspension of collective bargaining rights. The coalition feels that Bill 179 basically is protecting the interest of the business community at the expense of justice for the working women in this province.

My colleague, Ms. Ritchie, will supplement my remarks with various remarks that she has.

Ms. Ritchie: Gentlemen, this will not be a very appetizing picture even if it is getting close to supper time. We want to flesh out what we have put to you already.

First of all, in most of the public sector unions at least 50 per cent or more of their membership is women. For those who are unorganized the standard figures prevail. That is, the proportion of men organized is double that for women and we know that their conditions stand generally below those who are organized.

The two largest groups which are hit are the Ontario Public Service Employees Union and the Canadian Union of Public Employees. OPSEU has about 52 per cent of its membership female, CUPE about 50 per cent. Virtually all of the OPSEU workers are covered, the 75,000, and for CUPE, in particular in the crucial areas of health care, we find even a higher proportion of the membership being female.

In the service employees' union, particularly the hospital nursing home sector, 35 per cent of the members are female. One of our other unions we have with us here today is the York University Staff Association. It has 950 members, with 35 per cent female.

We have surveyed the scene as best we can in a short period of time and we want to cover these issues. First of all, on the pursuit of equal pay we have been forging ahead through collective bargaining on this issue in the last period of time. The

legislation has been rather useless as it stands, but through collective bargaining women have been pursuing this and the gap has been closing in some areas--again, through collective bargaining. Of course, this is going to be set back most clearly if this legislation goes through and puts the hard-won progress in this area in jeopardy. I will explain why that happens.

First of all, if you are a male member of a union and are earning \$18,000 I do not expect that you are going to voluntarily concede the minimal nine per cent or five per cent which the bill would provide in order to provide extra moneys to bring up female wage rates. That is a totally unrealistic suggestion.

Second, we operate from the principle, as the Employment Standards Act does now, that no one should lose out in the pursuit and achievement of equal pay, which is precisely what the government would be asking for here.

Third, and very important for anybody who is experienced in bargaining, the resistance of the employers, even if one were to put that on the bargaining table, would be quite outstanding. Employers generally prefer to pay the higher wages to the male groups which are perceived as having skilled jobs and where there is less competition in the labour markets. In any case, there is no right to strike to back up that demand.

I want to give some examples. There is a clause within the York University Staff Association collective agreement that provides for a joint committee with the university management to pursue equal pay for work of equal value in discussion. They have a couple of outstanding cases that are on the agenda.

I will not go into details now in the job descriptions--I will if someone wishes it--but in the case of a clerk typist 3 and a groundskeeper, it is generally believed that these two positions should be brought in line. The clerk typist makes \$8.10 an hour; the grounds keeper makes \$8.71.

Second, in the case of the administrative assistant, which is the highest-paying female occupation, ranging from \$18,882 to \$23,979, it is generally believed that this must be brought up at least to the lower ends of the computer series jobs, which range from \$21,512 to \$29,840. The pursuit of that is going to be impossible under this legislation.

With respect to the service employees, at least in some of the hospitals covered by the Service Employees International Union the employment standards branch has taken the position that the nurse's aide and orderly jobs should be brought in line, that they are the same job simply with different titles. This is a long-standing comparison that really is long overdue. It goes back to 1975 and really should have been done long ago. In any case, the secondary effect, if the employment standards branch were to bring these two in alignment, would be to bring the registered nurse's assistants and the nurses' aide to the same rate of pay because the registered nurse's assistants are 10 or 15 cents above the orderlies.



Obviously, this would be a good opportunity to pursue the upgrading of the RNAs, which has always been a sore point. They are only, as we said, 15 cents above the orderlies, although the requirements to be an RNA are much greater than that of an orderly that requires community college and registration, testing annually and so on. It is a long-standing problem coming to a head. What can happen on that? There is no provision in this legislation and no room to manoeuvre whatsoever.

The results of the potential pursuit of equal pay between the janitor at \$9.70 and a nurse's aide at an average \$6 an hour; it is felt that a case could be made there for equal pay for work of equal value, which is useless under the present law. Mr. Ramsay can tell us all he wants that we can use the equal pay laws but it will not address this very situation. It has to be done under collective bargaining in the current legal situation in Ontario and that is not going to be possible.

5:50 p.m.

CUPE is making headway to reconcile the nursing home wages with hospital wages. This is a principle that has been accepted by arbitrators. Basically, they are both the same bedside nursing care jobs.

One of the reasons the hospital rate for nursing aides, though still low, is higher than in nursing homes is CUPE's fight back in 1975 to bring up the hospital nursing aides to the hospital orderlies' rates through bargaining on equal pay. The nursing homes, by the way, used to employ orderlies in many cases. As they saw, I suppose, the upcoming equal pay complaints and certainly the cheaper nature of nurse's aides over orderlies, they have virtually totally moved away from employing men as orderlies. The nursing home workers are obviously going to be robbed of the catch-up they have been working on and which they expected in arbitrations. They are going to be rolled back in some cases.

The point must be made as well about the rollback which will be occurring--in some cases, a \$1.20 increase will be reduced to 40 cents, provided \$1,000 is allowed--is that the increase was negotiated freely, it was not even arbitrated. The employers have not even received the most recent government increase at the time that they agreed to that. They knew what they were getting into when they gave the word on that agreement.

This amounts to nothing more than a \$120,000 gift to the employer in a couple of cases. At the Barton Place Nursing Home the registered nurses agreed to a wage freeze at the beginning of their agreement precisely so that by the end of their agreement they could reach parity with hospital registered nurses. They have really screwed themselves on that one. They lose \$1 an hour.

The other fight that is going to be badly hurt for CUPE is the public health nurses' fight to be brought up to the same level as the public health inspectors. In Toronto that issue has been won, but it has not been won far and wide and that is not going to be able to be pursued. The Ontario Public Service Employees Union

is still fighting to bring in the the switchboard operators to the level of the parking lot attendants out here in the back.

Again, I am not going to go into all the job descriptions. That was raised here in Bill 17 hearings on equal pay for work of equal value. I know Margaret Campbell took that case to court and it has been raised many times. The parking lot attendants get \$337.10 a week, the switchboard operators \$311.13. It has been raised time and time again. There is no progress yet, but it is certainly not going to go anywhere under this legislation. Of course, we have mentioned in our brief the rollback of the 11 per cent which was negotiated for the female-dominated categories in order to close the gap.

This is taking a little longer than I thought, so I am going to have to simply summarize here.

Ontario is violating with this legislation its agreement to the UN Declaration 100, going back to 1952, whereby Ontario agreed to the principle of equal pay for work of equal value. In fact, the formulation under the United Nations convention was for equal remuneration, which covers much more, of course, than simply direct wages. It covers benefits. For example, YUSA has been pursuing improvements in maternity plans. What is going to happen on that? The Service Employees International Union is running into problems in pursuing that.

The employers are taking incredible advantage of this legislation before it is even in place. The Bay Haven Nursing Home in Collingwood is now calling maternity leave not paid maternity leave, but simply leave provisions, a monetary item, so that it can be covered by the nine and five. On the issue of accumulated seniority during leave, the employer is arguing it has impact on vacation pay, therefore it is a monetary item. This kind of thing is beginning to happen and it is certainly going to increase as employers find ways of abusing this situation.

We have mentioned what this does as well to the percentage increase formulation. The coalition has always been opposed to percentage increases. In collective bargaining, the pursuit of across-the-board increases is a key element to preventing a growing gap between men and women. Quite frankly, Bill 179 is nothing more than a piece of propaganda for percentage increases which the employers are very glad to have at hand. It is already affecting the private sector and we find employers are quite patriotic on this issue.

We can do calculations all over the place--we can give them, if you wish--but what we are finding is the gap growing by at least \$75 but most frequently into the hundreds of dollars. All of these unions are all jumping up and down and all complaining for across-the-board increases, precisely so that at the same time have a chance to maintain at least an adequate level of living.

As to issues that have been raised here on job security for the unions we are talking about here, we do not know who the heck is being talked about when job security is spoken of. Employers can and do lay off people, declare redundancies and close up. We

have CERN with the 18 chest clinic with 95 people laid off; the Ardara elementary teachers, one fifth of all positions lost in the last six and seven years; SLM, contracting out going on in the nursing homes; YUSA, 29 jobs declared redundant since 1981 and 75 positions lost in total in the last four years, and they are going to face more layoffs when the transfer payments are cut. The university is employing more part-time people, more temporaries. They have even retired some union members at age 65 and then retired them as temporaries at about \$1 an hour.

Finally, the impact is going to be substantial, not only on collective bargaining rights but on new organizing, as people find that they are not getting anything more than at most \$1,000 but unlikely in most instances, as \$750 will be the figure, and they will not be able to pursue benefits. Women generally have fewer benefits than men, aside from having less wages.

We are talking about people, especially in the nursing homes, who are making \$4 an hour and in some cases \$3.50. Somebody who is making \$8,320 a year and can only look forward to \$750 and no improvement in minimal benefits is a sorry sight indeed, and we have many of those cases. Of course, for those who were in the unfortunate position of being on strike when this legislation was brought in--the St. Catharines public health nurses for example--I think quite frankly they are as bitter as hell, as one of them put it.

To be fair, with respect to what the government has done in asking workers once again, and particularly women workers, to pay for the crisis, we think maybe the government should have just been more up front about what it is doing and simply levied a tax. Why do you not call it what it is? It is a tax on working people. Why do you not simply go around and collect a few hundred dollars, \$1,000 in the cases of those who are being rolled back, and pay it to their employers? That is what is happening. It is being done in a roundabout way, but that is precisely what is going on, and we very much object.

6 p.m.

Mr. Mackenzie: The legislation itself was based on a number of absolute falsehoods that very quickly appeared in the House: the argument was that it was initially one year, that you could bargain nonmonetary items, that it was public sector security--I could go on down the list of things we were told when it was first brought in.

I do not know whether people on the ministry side have been very careful in reading the bill itself but I noticed the Minister of Labour (Mr. Ramsay), when confronted about the effect of this bill in terms of women in the work force--and also asked about equal pay for work of equal value--said that while he did not disagree with you or with the proposition, now was not the time, because of the price component.

Do you get the feeling that the Tories have clearly put a lower value on women than they have on men with this particular proposition?

Mr. Cornish: This leaves us back to the discussion we had with the minister at the end of August. Our basic position is to the minister on the issue of whether or not this is the time when it appears to the Torr government that it is never the time. We had good times and it was still very clear they were not going to implement equal pay for work of equal value legislation.

The minister indicated to the committee at the end of August that he had a cabinet which would not consider any form of equal pay legislation, much less his composite test amendment which we did not approve of in any event. He is now, I gather, backtracking to some extent from that position and saying he will not bring in the composite test amendment because of the Equal Pay Coalition.

That was definitely not what was said to us at the end of August. He said that--I think you probably read it in the paper--he became like a wet rag at the end of the day because there were all these employers going bankrupt and therefore he really had to be worried about that.

It was quite clear from that meeting that the government was making a choice between protecting the employers, who they felt could not pay higher wages, and the working women, who were being discriminated against. To some extent, the coalition was glad that at least the issue was put on the table. We had felt for quite a while that the issue was cost and that the attempt to say, "Well, really, it is because equal pay for work of equal value is too complicated," and all of these kinds of things, had never been the reason. The reason had been that basically business was not prepared to pay women fairly and now they were prepared to say that.

So, yes, it is quite clear to us that the government's position is to ride through the economic times by placing it on women. I think it is clear from the uproar that ensued over various discussions with the coalition and whatever.

The minister acknowledged it. He said, "Oh yes, I agree you have all the women's organizations and everyone behind you and we agree that it is fair but we will not pay for it." The ultimate thing you are coming down to is that everybody is now starting to agree, "Maybe it is fair, but we are not prepared to pay women fairly."

I think the precise political situation that people have to address is that you are going to have a society where you will not pay women fairly.

Mr. Mackenzie: I think that is one of the more insidious points in the bill. It is an unfair tax; there is no question in my mind about that. It also clearly says it is a government of small business at this point and it is underlined by the fact that the gap is going to be even larger with legislation. Men are worth one price and women are worth another price. That is, whether it intends it or not, clearly what this government is saying.

Ms. Bryden: I am sorry I did not hear all of the brief, I was making a speech in the House, but I think you have made it



very clear that you regard this legislation as sexist legislation which will increase the discrimination against women. I am glad you have pinpointed the exact dollars that will be in the public service. The increase in the gap will be \$313 per person.

When the government brought in an affirmative action program in 1980 it was supposed to close the gap. Now it appears they are widening the gap. Do you think the major roadblock to removing the gap, which is equal pay for work of equal value, will be completely put on ice for the next two, possibly three years in the public service, or will that affirmative action program be able to continue in any way?

Ms. Ritchie: We have always said the key aspect of affirmative action is any equal pay component it might contain. We have had the experience in many occupations of finding them so-called feminized and when women enter those occupations in very large numbers, replacing men, the rates for those positions generally take a nosedive. The reverse is also true, when men enter occupations such as teaching.

It is quite clear the government is cutting off both fronts for us. We have the collective bargaining front, which to date has been the most successful. We have the legislative front which has been successful, at least at the federal level and in Quebec. But Ontario, which used to pride itself on being in the front line on equal opportunity legislation for women, has gone further and further behind. The government is cutting off both routes for us: the legislative one and the collective bargaining one. They are doing it at the same time.

Ms. Bryden: As a result, they will be going backwards instead of forwards, as they say. Also, you would think the avenue of getting better conditions for women, such as protection against the possible hazards of video display terminals, will be completely frozen while this legislation is in effect.

Ms. Ritchie: The employers are starting to say that maternity leave, and not even paid maternity leave, is a cost item. I am damned sure they are going to start saying the installation and screening of VDTs, etc., is a cost item and will have to be included in the nine or five per cent, as the case may be.

Ms. Bryden: We have no legislation requiring employers to do that, so it will mean the hazard--which has not been completely measured but may be there--will not be the subject of any bargaining or any action unless the government brings in its own legislation. Is that what you feel is likely to happen; all those issues will be put on ice?

Ms. Cornish: Yes, that is basically our position.

Mr. Piché: Mr. Chairman, since we must support the rules and regulations, I would like to bring to your attention the clock. It is already 6:10 p.m. We have to be back for eight o'clock.

Mr. Renwick: Before my friend, the chairman, recognizes Mr. Piché's comment, could I ask the delegation whether it would be possible for one or more of you to return at eight o'clock. The rules require us now to adjourn until eight o'clock. Is it possible that we could continue?

Ms. Cornish: I cannot. Can you?

Ms. Ritchie: I cannot.

Mr. Chairman: There are three more speakers to this group, Wildman, Renwick and Wrye, and then there are four more groups scheduled for this afternoon. We have practically 200 tenants coming at eight o'clock, remember that, gentlemen.

The practice has been to have the afternoon groups go on first in the evening, so we all have to recognize what is going to happen here at eight o'clock.

Mr. Renwick: Mr. Chairman, I would not have made the suggestion had I not recognized your problems. I just simply asked whether any more of the delegation could return for a short period at eight o'clock tonight.

Ms. Cornish: I cannot. I do not know whether anyone else can. I actually thought it was going to go ahead at 3:30. I can appreciate that this goes forward at a slow rate. By the rules, when he says that, you automatically have to adjourn?

Mr. Chairman: Six o'clock is the official time when--

Mr. Mackenzie: It depends whether you want to recognize the clock or not.

Mr. Chairman: I am sorry, I did not hear that, Mr. Mackenzie.

Mr. Mackenzie: It depends on whether the chairman has recognized the clock or not. Someone else has brought it to his attention.

Mr. Piché: I brought it to his attention. You did the same thing yesterday, with Mr. Cooke. We want to continue but it is unfortunate. If there was some question that meant anything I would say we would continue, but I think--

Mr. Mackenzie: Does it mean anything that--

Mr. Piché: Already they have been in front of the committee for three quarters of an hour. Somewhere along the line we have to draw the line.

Mr. Wildman: Mr. Chairman, if it is more important for the government members to have their dinner than to hear the delegation, then that is fine with me.

Mr. Chairman: I am sorry, yes.

Ms. Ritchie: There are two members who could stay for the eight o'clock sitting.

Mr. Chairman: Thank you.

The committee recessed at 6:10 p.m.

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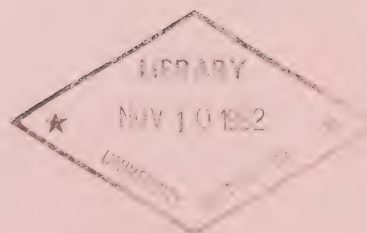
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Publications

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

INFLATION RESTRAINT ACT

THURSDAY, OCTOBER 28, 1982

Evening sitting





STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breaugh, M. J. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Elston, M. J. (Huron-Bruce L)  
Eves, E. L. (Parry Sound PC)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Stevenson, K. R. (Durham-York PC)  
Swart, M. L. (Welland-Thorold NDP)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitutions:

Dean, G. H. (Wentworth PC) for Mr. Mitchell  
Kerrio, V. G. (Niagara Falls L) for Mr. Elston  
Lane, J. G. (Algoma-Manitoulin PC) for Mr. Watson

Also taking part:

Cooke, D. S. (Windsor-Riverside NDP)  
Jones, T., Parliamentary Assistant to the Treasurer of Ontario and  
Minister of Economics (Mississauga North PC)  
Mackenzie, R. W. (Hamilton East NDP)  
Renwick, J. A. (Riverdale NDP)  
Wildman, B. (Algoma NDP)

Clerk: Arnott, D.

Witnesses:

From the Equal Pay Coalition:  
Ritchie, L., Member

From the Public Service Alliance of Canada:  
Chorostecki, J., Regional Representative  
Giampietri, S., National Director for Ontario

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Thursday, October 28, 1982

The committee resumed at 8:05 p.m. in room 1

INFLATION RESTRAINT ACT  
(continued)

Consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector in Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: Settle down, please. We've got a little bit of a problem here. I see a quorum. Sit down, René. Ladies and gentlemen, will you please be quiet. We do have a problem here with numbers. We are going to try to solve it.

Mr. Mackenzie: I would move that we reconvene in 40 minutes' time at the Macdonald Block. The motion has been made.

Mr. Chairman: We do have a problem with regard to the four groups left over from this afternoon.

Mr. Mackenzie: In any event, we have a more serious problem in terms of the number of people here, the crush and what could happen to people out there. They want to be in on it. The groups that are left over can still participate first, but I think we have to set a time and reorganize the assembly.

Mr. Chairman: Gentlemen, do you have any comments as to that? I'll repeat, we cannot be set up for sound by Hansard within an hour. I asked and checked. That cannot come about. Second, I presume the clerk could get keys to one of the large rooms over at the Macdonald Block almost immediately. Do you want to try on the telephone?

Mr. Wrye: Only if at all possible, because the groups' presentations should be recorded as best possible. If we can't get Hansard, we should at least have some stenographers to take down as close to verbatim as we can in the Macdonald Block. I don't think it's terribly crucial that we get Hansard to do it, but that we get a larger room.

Mr. Brandt: Mr. Chairman, I agree with that. I think if it's at all possible and feasible to move the location of the meeting to accommodate the crowd, I think we should at the earliest possible opportunity.

Mr. Chairman: Okay, we will do it as soon as we hear from the clerk.

Mr. Brandt: In light of the fact that information is probably somewhat difficult for those outside of this room to hear, could we get word to them to the effect that we are attempting to make alternative accommodations?

Mr. Chairman: Mr. Mackenzie, would you assist us and make that announcement to them that we're trying to get space over there. We should have word in just a minute.

Mr. Brandt: You have the loudest voice, Bob. That's why you've been chosen. That was meant as a compliment.

Mr. Chairman: Ladies and gentlemen, I might point out that I have seen a flyer distributed which 7:30 p.m. This committee starts at eight o'clock and always has started at eight. There's a little misinformation there. If you're a bit annoyed at being here a half hour early, it is eight o'clock, by way of explanation.

Ms. Robinson: May I speak to that? I'm from the Federation of Metro Tenants' Associations and we were told we would be on the agenda at 7:45 p.m., which is why we told people to be here at 7:30.

Mr. Chairman: Something was lost in the translation. Also, we have four groups left over, not large groups in terms of numbers, but four presentations left over from this afternoon, that in fairness to them have to go first. We keep pushing people on. I'm sorry. Each group takes a long time and they push the groups behind them. That will be a little problem.

Mr. Mackenzie: They're waiting for a few minutes to hear what kind of arrangements we can make.

Mr. Chairman: Good, thank you. Has anybody a suggestion about what we do now?

Interjection: Let the first ones go.

Mr. Chairman: Yes. Ladies, those of you left over--that's a bad way to put it--that remain from this afternoon, I think we were in the midst of questions. Mr. Wildman is not here. Mr. Renwick was next.

Mr. Renwick: Mr. Chairman, thank you. There were three or four matters I wanted to raise with the coalition which are of concern to me. I understand, unless common sense prevails, this committee will be beginning on Tuesday a clause-by-clause discussion of this bill. It would be most helpful to the committee if one of the representatives from your coalition could be present during the course of the debate in order to assist the committee when clauses related to the bill come to our attention. I would hope you would seriously consider working out some arrangement by which a member of your coalition could be present during that time.

One of the matters which has been of great concern to us in the committee has been a comment made by the Treasurer (Mr. F. S. Miller) when he spoke in the assembly on September 23. That was this year. It seems a long time ago, but it was September 23 of this year, not last year.

He said: "I would ask the members opposite"--I think he was referring to the New Democratic Party members--"who have criticized this program to get on the phone to unemployed workers in Windsor. You ask them if they believe a public servant should not only have job security but also an inflation-related raise. Ask them if that is fair when half a million people are unemployed in Ontario."

Since I notice that your coalition represents a wide representation of women in various associations and organizations, I would ask you whether you have any comment to make about that kind of a criticism that was directed at the New Democratic Party.

Ms. Ritchie: I think it's fair to say that the majority of our membership throughout the various affiliates see no connection between reducing public sector wages and creating employment, which is the issue amongst working women as well as working men, but certainly amongst working women right now. That's not going to solve that problem, and it's not going to solve the problem of the kinds of price increases we're facing when we go to the supermarket.

The particular problem for women is that when we go to a supermarket we're not charged 60 per cent of the price charged to a man for a loaf of bread, but we earn 60 per cent of the wages. This legislation is going to reduce any ability to eliminate that gap.

Mr. Renwick: I want to phrase the question objectively, and if it appears to have overtones, I don't intend it. Do you have any sense, as the leadership of your coalition, that members of the so-called private sector as distinct from the public sector of your coalition have raised any of these questions about, "Well, it's time the public sector paid a price"?

Ms. Ritchie: I would say that initially a lot of members of the member organizations were conned by the kind of propaganda that was being put out by the government, which was really an effort to divide public and private sector employees. I think that's quite clear. We've been doing the work that we can do in our organization and, in turn, our member organizations have been trying to show people that there isn't a connection. I think that more and more people are coming to that conclusion.

There's no promise of any results in the sacrifice.

Mr. Renwick: If I could address two separate questions to your specific concern, that is, the question of discrimination and the continuing discrimination and the adverse discrimination which was the substance of your brief, the Treasurer in his statement, again on September 23, said, "Our actions," speaking about the government actions, "impact on over 2,700 collective agreements and will ultimately affect 500,000 employees."

I recognize that it's very difficult to get a numerical count of how many women are in the 500,000, but could you give us any reasonable ball-park assessment from the point of view of your coalition of the percentage or the number of women that are involved in that 500,000 who will suffer this discrimination?



Ms. Ritchie: I think that is a crucial question that has to be faced. We are a volunteer organization and we don't have the kind of time and capabilities to put those figures together. I think it would be a useful bit of research on the part of interested parties here. I think we can say without any hesitation that every indication would be that the majority of those that are going to be hit by wage controls are women. A lot of them are in the low-paying female job ghettos.

Look at the groups we're talking about. We're talking about the Canadian Union of Public Employees and the Ontario Public Service Employees Union. Certainly in the jobs we're talking about at least 50 per cent are women. If we look at the Service Employees International Union, we're talking about 85 per cent in those areas. If we look at the York University Staff Association and other university associations, or if we look at the libraries, they are overwhelmingly female workers. I think it's pretty clear women are going to get hit the hardest by this legislation.

Mr. Renwick: I just have one other question. I have never understood what the Treasurer meant and I was hopeful I would get some assistance from the various delegations that have come in front of us. This particularly relates, I think, to the main thrust of your presentation to us. The Treasurer, again on the same date, September 23, said, "I believe our action will help the fight against inflation in three ways." He listed one, two, and three.

His third one was what he calls "the demonstration effect--signalling an era of lower wage settlements to the private sector." He went on, "Of all those effects, the third may be the most important because the problem this country faces today is as much rooted in psychology as it is in economics." Does that mean anything to you in relation to the main thrust of your presentation today about the discrimination and the widening of the gap that will occur in relation to the wages paid to men and women in the society?

Ms. Ritchie: I think that kind of statement has an importance. It's not one that we can agree with. I think it is intended as a signal to the private sector. Those signals are already coming across, as we indicated earlier, in terms of bargaining on maternity benefits and in trying to bargain on equal pay cases that have come up. The signal is that it is backwards now, folks. The legislative route has been cut off by the Minister of Labour (Mr. Ramsay). He has made it very clear that this government will not support equal pay for work of equal value at this point. Now they are cutting off, as we have said earlier, the collective bargaining route. I think the signal is clearly there to the private sector as well as that which is going to be covered in legislation.

Mr. Renwick: My last comment is to repeat again the importance of a representative from your coalition being here. I don't know what it means. I've thought about it and I've tried to figure it out, but in two places in this bill, in section 8 and

again in section 13, and not in any other place in the bill--and I'm not asking you to respond at this particular point--it specifically says, "Notwithstanding any other act, except the Human Rights Code, 1981, and section 33 of the Employment Standards Act, every" such and such and so and so. Now the Human Rights Code is, of course, directed to discrimination and section 33 is directed to the question of equal pay for equal work.

8:20 p.m.

I think it is very important to us on the committee that a representative be here to find out what the significance of those words are in relation to this bill. I personally do not think they have any particular meaning, but it is that kind of assistance that we would need from a representative from your coalition.

Ms. Ritchie: I think we appreciate the invitation to attend and we will discuss it, but it is rather like asking somebody to be present at his own execution. I would say, without going into a lot of detail, that the intention is, as the Minister of Labour, has said, to exclude equal pay settlements that come under the equal pay for equal work law, but it is meaningless because most women are not covered by that. Of course, human rights legislation is extremely limited in its application to discrimination.

Mr. Wrye: I have a couple of questions which, in a sense, lead out from Mr. Renwick's questions. First of all, were you surprised that the Ontario Status of Women Council did not ask to appear before this committee to discuss this legislation? I ask that, given the fact that the council has asked to appear on any number of previous occasions when important women's issue were at stake and you have clearly defined, and I think correctly so, that there are a lot of issues involving women at stake in this legislation?

Ms. Ritchie: I quite frankly do not find it surprising under the present circumstances. As we all know, there has been a highly questionable political appointment to the head of that council. I think that at this particular point in time that council is probably going through some internal debates over this issue, but we will be appearing at its November meeting, that is, the Equal Pay Coalition will be going in the person of Mary Cornish.

We have been asked to address them, and our position will be with them that there is no cause for them to break with the position the council has taken all along on equal pay for work of equal value. I think it is that issue and the personal position as stated to date by Sally Barnes which have prevented that particular council from taking a position here because they know darn well they would have to address that issue.

Mr. Wrye: I have placed a motion and my friend, Mr. Mackenzie, has placed a motion that Sally Barnes, among other people, be requested to appear before this committee. The chairman has ruled it out of order at this time, but has indicated he will

accept the motion after the public part of this hearing is completed and that he will rule the motion in order. Would you think it is appropriate that Sally Barnes appear before this committee to explain the views of the council towards this legislation?

Ms. Ritchie: I do not think that is an appropriate way of dealing with this. The council is on record as supporting it. The personal opinions of Sally Barnes are not the position of that council. I think you should operate from the existing position of that council.

Mr. Wrye: I clarify that, and I agree with you, to explain the position of the council, not the position of Sally Barnes. She is now chairperson of the council.

Ms. Ritchie: I would rather give it a little more time before we start asking Sally Barnes to explain the position of that council.

Mr. Wrye: On the price side, let me ask you a series of questions which I would ask you to answer briefly. Will women workers view with alarm the decision of the government to allow the 17 per cent increase in OHIP premiums to go through? It was announced in May but approved as of October 1. Would they view that with alarm considering the five per cent world we are supposed to be into?

Ms. Ritchie: There is no doubt that increases in premiums for such fundamental necessities as OHIP are going to be viewed with alarm. The point is that women, much less frequently than men--and I am not saying that men have the best of all worlds in terms of what they should have in the work place--have benefit coverage.

We have been talking about the hospital workers, the nursing home workers. We are looking at people making \$3.50 to \$4 per hour trying to go after their first collective agreement. They have no benefits. There is one place that has a benefit program, a sick pay plan, but who pays the premiums? The employees.

Mr. Wrye: Would they view with alarm the 8.4 per cent increase in Ontario Hydro rates that the Minister of Energy (Mr. Welch) said he was delighted with?

Ms. Ritchie: We view with alarm all the increases, and I am sure you could name a number that are way above the level of capability of most women in the work force. We just do not have the money. We earn about 60 per cent of what men earn. We were talking about relatives here. For more and more men, they are not keeping up with the cost of living, so what does it mean for women?

Mr. Wrye: Finally, how would your organization, the people you represent, and working people in general view the decision of the government to allow landlords to continue to apply for increases in rents and to not recognize that we are in a 5 per cent world?



Ms. Ritchie: Five per cent or not, because we oppose this program, as I believe we have made quite clear, program or no program, we cannot afford the kinds of rents that are being charged now. We simply cannot but we cannot let rent controls get out of control.

Mr. Philip: Mr. Chairman, I wonder if you can give us an update on our search for a room.

Mr. Chairman: Thank you very much, ladies, for your presentation and coming back this evening.

We have several updates. It is appearing unlikely at this time that we can get a room in time over in the Macdonald Block. That is the word back.

Mr. Jones: Mr. Chairman, I understand that arrangements were made for the larger room to accommodate a couple of hundred people.

Mr. Chairman: This was discussed earlier this week. You people know that sound is piped in next door and two rooms were made available. We do have that situation in place. Those of you who were not here that day, were subbed for or whatever have to acknowledge or know that. You are deemed to know that.

Mr. Philip: You were advised that there would be about 200 people here tonight. How do you account for your not making arrangements?

Mr. Chairman: We have seating for more than 200. That has been arranged, and the fact that more than that turned up was neither planned nor anticipated. However, it has been suggested that perhaps with the assent of those other groups that are scheduled to go before them, and with some understanding as to time limits to ensure that these people get on this evening, for those others some compromise might take place here to hear the large tenants' group first. May I hear from some of the members on that?

Mr. Wrye: This may be the only unanimous vote you get the whole time.

Mr. Chairman: In fairness, the other people are first, and unless their interests are protected, we will have to follow our usual course. What is the consensus of the committee?

Mr. Brandt: I think it makes common sense to accommodate the largest group at this particular time. They are uncomfortable to begin with because of the accommodation situation we have here. There are still many of them standing in the hallways, spilling over to the next room and standing in this room as well to a certain extent. With the agreement of the members of the committee, we should hear that group first, apologise to the other groups and try to accommodate them as quickly as possible.

8:30 p.m.



Mr. Chairman: There are two things. Number one is whether there will be another room available at the Macdonald Block. Second, what about the interests of the first four groups?

Mr. Brandt: Could we get an agreement from all sides on a time limitation with respect to this delegation? We will attempt to move them forward, but if they are going to use up the balance of the time, we cannot accommodate all the other groups as well.

Mr. Wrye: In the interests of those people who have come here tonight and wish to hear this group, understanding that the other group did wait from this afternoon, we should perhaps hear them first. I would only say, and I would say this to all committee members, given the number of people here, that may take some time.

I would want to ensure and have the unanimous agreement from all committee members that those four groups on this afternoon, no matter whether we sit until one o'clock this morning, will be heard. There will be no looking at the clock and that kind of thing. It would be terribly unfair to--and I will use the last group--the Association of Municipalities of Ontario, if we should not hear them tonight. I think we should agree beforehand that we will hear at least six groups, or at least until number seven tonight, no matter what time we finish.

Mr. Chairman: We have four groups left. The Public Service Alliance of Canada, the Automotive Parts Manufacturers' Association, the Elizabeth Fry Society, and AMO. Is there agreement that all of those four groups will be heard?

Mr. Wrye: I am sorry, we also have the Union Consulting Services, and I think we have to be fair to them as well. The Ontario Secondary School Teachers' Federation is now seventh on the list. If we are going to move them to number two, I hope we would do it with the unanimous view of this committee that we hear groups two through six no matter what time this committee concludes its hearings tonight.

Mr. Chairman: Is that agreeable to all three parties?

Mr. Renwick: I do not know how you resolve the problem. I sympathize with what Mr. Brandt said about the necessity of dealing with it. I do not know whether it is within our prerogative without consulting the four groups to ask them to yield their place or whether or not we should be changing their place. The other question, which I think is extremely important, is that it is one thing to hear the Premier (Mr. Davis) while standing in another room, but it is a different thing to hear an organization with which you are vitally involved, while sitting in another room and not participating.

I understand that you are likely to get approval of a room in the Macdonald Block within the next 15 or 20 minutes. I would suggest we go ahead here on the understanding that the people in the hall be asked now if they could adjourn to meet at nine

o'clock at whatever the appropriate room is. I cannot believe we cannot accommodate this delegation in one room in the Macdonald Block. Can we do it that way? In the time it takes people to move from here to there, we could hear one or maybe even two of the other delegations and sort out the order of precedence.

Mr. Chairman: The deputy House leader will be contacting the House leader to get permission and he will be back with it as soon as he can. In the meantime, I suggest we carry on with the regular schedule until we hear that. Therefore we do not need anything further. The Public Service Alliance of Canada, please. The brief is coming around; it will be exhibit 65. Could you identify yourself, please?

Ms. Giampietri: My name is Susan Giampietri. I am the national director for Ontario for the Public Service Alliance of Canada. I also work full-time for the federal government with the Department of Employment and Immigration as an insurance officer and I deal in my day-to-day job with the unemployed of this country. With me on my right is Mark Krakowski, regional representative for the Toronto region of the PSAC. I wish to extend apologies on behalf of Jim Chorostecki who was to be present here as well, but because of the lateness of the hour and prior commitments, he cannot do so.

I would like to start. When Premier Davis stood in the Legislature to announce the wage control program applied to public sector workers in Ontario, he expressed the hope that, and I quote, "The people of this province will believe me when I say that no decision taken by my government has received so much attention, so much discussion, so much genuine concern." How can we believe such rhetoric when the committee charged with soliciting public input into the design of the final bill has chosen to restrict public submissions to a mere 15 minutes each?

Mr. Chairman: Excuse me, the last group was 54 minutes.

Ms. Giampietri: With all due respect, we prepared a brief to take in 15 minutes. Those were the guidelines we were given, so my comments, I think, are fair. The 15-minute time restriction is, in the opinion of the Public Service Alliance of Canada, an intolerable affront to the working people of Ontario.

It undermines the credibility of the justice committee, the Legislature and the government. It is much more than a manifestation of the undue haste with which Bill 179 is being pushed through the legislative process. It is an affront to the democratic foundations of our society and casts a long dark cloud over the traditions of parliamentary government.

Some 500,000 public sector workers in Ontario are directly affected by Bill 179. The wages of provincial public sector workers will be controlled and some of their most fundamental rights will be suspended should Bill 179 pass through this committee and the Legislature. Many thousand public sector workers who will be affected by Bill 179 currently earn less than the poverty level.

Thousands more who maintain an historical wage relationship with other workers in Ontario will see the relationship end. Yet these workers and their organizations are granted a 15-minute audience with the justice committee, a committee that holds the economic security and democratic rights of over half a million Ontarians in its hands.

My own union, representing over 175,000 members under federal legislation, is not directly affected by the wage control aspects of Bill 179. We are here today to lend our support to the voices of opposition, to urge members of this committee to defeat Bill 179 rather than support the destruction of personal income and the denial of rights contained therein.

We are here, as well, to share the experience we have gained over the past four months, during which our members have been subjected to similar legislation at the federal level. We are here to point out contradictions between the stated intent of the federal legislation--the Public Sector Compensation Restraint Act--and the disastrous economic consequences that have already surfaced.

8:40 p.m.

We are not here to debate specifics of Bill 179 nor to suggest changes. That is the exclusive prerogative of those directly affected. We would remind all concerned, however, that when we appeared before the House of Commons miscellaneous estimates committee to denounce the federal Public Sector Compensation Restraint Act we argued that proposing amendments is the wrong approach to legislation which is basically and blatantly discriminatory, punitive, repressive and unnecessary.

The correct and only approach is to defeat the legislation and save the population from the misery and social tension that will inevitably ensue. When announcing the introduction of Bill 179, Premier Davis argued, "Restraint by all public agencies in this province can preserve jobs and diminish unemployment."

This statement, though a rhetorically appealing justification for controls, is a mirror image of former Finance Minister MacEachen's June 28, 1982 budget statement that controls will "check the rise of unemployment." Nothing could be further from the truth. In the four months since the federal government imposed wage restraint on its work force, federal public sector workers have been subjected to layoffs and threatened layoffs directly related to wage restraint policies. Federal public sector workers employed at various crown corporations, including Air Canada, Canadian National Railways, Canadian Pacific, and the Canadian Broadcasting Corporation have lost their employment security to help create Trudeau's leaner society.

When Jean-Luc Pepin, the federal minister of "honesty" heard about the layoffs of thousands of workers at these crown corporations, he stated, "Inasmuch as these companies have to meet six and five objectives, inasmuch as they have to increase their productivity to do so, indeed there'll be some layoffs."



If further evidence of the fact that wage restraint equals unemployment is needed, the committee need look no further than the unemployment performance during the tenure of the Anti-Inflation Board. According to the government of the day, the anti-inflation program was designed, in part at least, to prevent an increase in unemployment.

In October 1975, 643,000 Canadians were out of work. When controls were removed in April 1978, the ranks of the unemployed had swollen to 999,000. The argument that wage controls reduce inflation is equally stupid. The effect of controls on economic activity has been clearly identified in publications of the Conference Board of Canada and the Department of Finance.

In its infamous discussion on anti-inflation policy options, the Department of Finance stated: "The anti-inflation program was successful in bringing down the pace of wage settlements from almost 20 per cent in 1975 to seven per cent in 1978. Nevertheless, except for 1976 when food prices rose very slowly, the rate of inflation has remained disappointingly high."

The Conference Board confirmed our view that wage controls divert labour income to corporate profits. In its May 1975 publication, Inflation and Incomes Policy in Canada, it said: "The level of average weekly wages would have been about 7.7 per cent higher in the third quarter of 1978 in the absence of controls." It also noted: "The level of corporate profits before taxes would have been 9.2 per cent lower by the third quarter of 1978 had controls not been implemented."

The only real economic effects that a wage control program have are the following: declining real incomes, increased unemployment and a redistribution of income from wages to profits.

It is our firmly held belief that the Ontario economy will be in worse shape when and if public sector controls, at both the federal and provincial level, are terminated. Our members are already suffering from drastic cuts in the services provided by Ontario hospitals, day care centres and so on. They cannot afford a society that consistently erodes the standard of living. They cannot tolerate a society that holds them up as sacrificial lambs to be sacrificed on the altar of investor confidence.

The Ontario government has gone to great lengths to show by comparison that its Bill 179 is fairer than the federal wage control legislation. For the most part, however, the differences are an illusion. In most respects, the bills are as unconscionable as each other. You have heard from unions that are appalled at the government's disregard for contracts that bear its signature.

Contracts negotiated prior to the introduction of Bill 179 which include a wage increase between October 1, 1982, and October 1, 1983, will rolled back to five per cent. The federal control program has a similar clause allowing it to break a signed and legal contract. I wonder if you, or your federal counterparts, realize the personal suffering such callous legislation causes.



One of our members, a clerk, earning \$18,100 annually, before controls, will lose \$94 per month as a result of a rollback of a previously negotiated contract. That is small change for a member of Parliament or the Legislature perhaps, but it is devastating for most working people. The federal public sector clerk to whom I just referred, wrote a letter to the alliance outlining the effect of the wage rollback on her economic security. Her letter reads in part as follows:

"In May of this year I decided to move to a larger apartment so that my two children could enjoy a bedroom of their own. The move to the larger apartment stretched my budget to the limit. However, I expected to skimp pennies for a few months, figuring that a pay increase of \$185 per month in December would offset the additional \$150 rent. I banked on the honesty, integrity and word of the federal government. As you know, I banked at the wrong place and must now try to sublet my apartment and explain what happened to the children."

Bill 179 will have the same effect on the lives and living standards of Ontario public sector workers. In conclusion, like the federal wage control legislation, Bill 179 goes far beyond simply controlling the wages of public sector workers. Bill 179 is a deliberate attempt to erode the rights of workers to free collective bargaining. The denial of the right to bargain and to strike contained in Bill 179 is a serious infringement of the right of workers to protect their interests through trade union membership. The right to bargain collectively and the freedom to organize are of primary importance and a basic cornerstone of the democratic system of government.

In the second part of his "Let's pull together trilogy," Prime Minister Trudeau adopted trust as a theme. We were told that we must trust each other if our economy is to recover. The clerk who had her increase rolled back understands the one-sidedness of Trudeau's definition of trust. By the enactment of the Public Sector Compensation Restraint Act, the federal government has betrayed its trust with its own work force. It is disturbing and frightening that the governments of Canada and Ontario are so willing to abrogate the basic rights of a democratic society, and all for the wrong reasons at that.

This brief is respectfully submitted by the Public Service Alliance of Canada.

Mr. Chairman: Thank you very much. Any questions? There being no questions, thank you very much for your presentation.

I have heard back from the acting House Leader. It is not possible to arrange a place in the Macdonald Block. Therefore we are back to what we will do with the four remaining groups that I scheduled to go before the tenants' group. Is there any agreement that those four groups will be heard?

Mr. Renwick: On a point of order, Mr. Chairman: Will you please explain to me why, with the resources of this government, it is not possible for us to move to the Macdonald Block? I cannot accept the proposition that somehow or other that building is not available.

Mr. Chairman: I have been advised by Mr. Gregory, the acting House Leader for this evening, that it is not possible at this time to make arrangements..

Mr. Renwick: Why not?

Mr. Chairman: I do not know. He simply told me it was not possible.

8:50 p.m.

Mr. Philip: As chairman, it is incumbent upon you at least to ask that question. There are people out here who are very uncomfortable and have a point of view they want to express. I find it incredible that with the resources we have here and with an empty hall over there that you cannot find some way of getting them into that hall so that we can hear them there.

Mr. Chairman: I personally do not have the keys. I go to the government House leader--

Mr. Renwick: You could walk through the tunnel, take the elevator and arrive at the Ontario room. I know where the light switch is and I can turn it on.

Mr. Chairman: You do know that it is wired for sound next door?

Mr. Wrye: I think we should be honest with the groups that are here. I will take my share of the blame for it. I raised the fact first that there would be a lot of people here. We all ought to do a bit of a mea culpa, but I have to share the views of my friends over here that having done our mea culpa--it is a little more crowded than we expected--we cannot even accommodate them in two rooms.

This government, which always manages to find its resources when it needs them, ought to find them tonight. I have been in that room in the Macdonald Block, and as my friend says, we can walk in, set up some chairs, turn on the lights and we're in business.

Mr. Chairman: Is it open? Is there no one to open the door?

Mr. Wrye: I mean, really,

Mr. Chairman: Is there any comment? Is it suggested that they come on another night in the Macdonald Block?

Mr. Wrye: Why do we not insist that the House leader get us that room.

Mr. Mackenzie: He has already refused to extend the hearings.

Interjection: Is there any reason why he cannot provide it?

Mr. Wrye: Let us insist that he get us that room. I do not want to inflame things but there are 400 people. They have a right to get into a room, and I think we ought to go to the house Leader and say, "Just get the room open."

Mr. Jones: I am not a member of the committee, but I cannot help but observe that you made arrangements for some 200 next door, you have arrangements for a goodly number here and people are here with their presentations. We are already asking other people to accommodate this large group, and now we are trying to accommodate them as best we can around the other groups. It is a little bit of give and take. We do have sound next door, arrangements made and have Hansard.

Interjection: It is not the same thing.

Mr. Jones: I am sure the chairman would agree to visit next door and make sure the accommodations are the best they could be.

Interjection: The visual contact is very important.

Mr. Wrye: I could probably live with the next door arrangements since we all indicated we could. I am going to be honest about that. We have 75 or 80 people out in the hall. I just went next door, Mr. Jones, and there is room for about 15 more people to fit in there. Once the Metro tenants group comes in and begins its brief, I am sure it would fill up. That still leaves us 60 or 70 people out in the hall. With all due respect, we were all a little surprised at the size of the crowd, but we are in this \$23 billion government and surely we ought to be able to accommodate a little bit an unexpected problem.

Mr. Jones: Certainly we want to share with the people who are here the discussions that are taking place. I speak as parliamentary assistant to the Treasurer who, as you know, is tied up today with a visit from the federal minister, Mr. Axworthy, on new job-creation programs that this committee has heard a good deal about and on which this government is working. Throughout these hearings, we have wanted to be accessible. I think we are anxious to accommodate that tonight. So we have ready at hand next door the--

Mr. Chairman: Is it the consensus of the committee that we carry on with the Metro tenants' group? The New Democratic Party will give no undertaking as to whether the other four groups will be heard tonight or not and they will have to take their chances. If that is it, we can schedule them to come back Monday.

Mr. Renwick: I do not want you to divert this into that kind of diatribe tonight. How many people were present in the Ontario room in the Macdonald Block when the government announced the BILD program and all that arrangement was made?

Mr. Dean: That is beside the point.

Mr. Chairman: That has nothing to do with anything at all. We will not discuss the BILD program or anything as remote as that.

Mr. Renwick: Mr. Chairman, why don't you come down off your high seat?

Mr. Chairman: I am trying to get--

Interjections.

Mr. Renwick: Mr. Chairman, I am going to ask you to use your authority--and forget about everything else; you are chairman of this committee--and adjourn this committee to reassemble in the Ontario room in half an hour. I am asking you to do that.

Mr. Chairman: I asked the committee. Your committee is the group that instructs me. I am subject to the wishes of the committee.

Mr. Wrye: So moved.

Mr. Chairman: Is there a motion over here?

Interjections.

Mr. Wrye: Mr. Chairman, if I might--

Mr. Chairman: A motion is on the floor. Any discussion?

Mr. Dean: I just want to be assured that the place is available first. I thought we were just assured that it wasn't.

Mr. Chairman: I was advised that there are security problems. The acting House leader advises that it is not possible. However, in view of that, what does the-- Mr. Wrye?

Mr. Wrye: Mr. Chairman, I think it is fair to suggest that this party has tried to be accommodating in these hearings. I am not going to suggest whether others have or not, I think this party has tried to be, but you are really trying my patience and that of my party.

Mr. Piché: Come on.

Mr. Wrye: Just hold on a second.

Mr. Piché: You are disturbing right now.

Mr. Wrye: This group has come in and--

Mr. Piché: Are you trying to build up the pressure in this room?

Mr. Wrye: Mr. Piché, I have allowed that we all made a mistake. You, myself, my friends behind me, we all underestimated the crowd. But I will tell you that it is absolutely unacceptable to me that the acting House leader walks in here and says we cannot go into the Macdonald Block--

Mr. Chairman: He said it was not possible.



Mr. Wrye: --when we have the resources that we have in this Legislature. Now let us stop fooling around, get the place open and get on with the job.

Mr. Jones: We can do it here.

Mr. Wrye: We can't do it here.

Mr. Cooke: Let us end the discussion on this motion. I want to indicate from my party that we are obviously going to support the motion and we are prepared not to see the clock until every one of the groups on the list scheduled for tonight are heard, including those after the tenants that are here from out of town.

Mr. Chairman: Including those from this afternoon?

Mr. Cooke: Including all of them that are on the list.

Mr. Mackenzie: All of them, tonight's too.

Mr. Chairman: Thank you. That is more than you gave before.

Mr. Cooke: Don't play those God-damned games in this committee. We didn't say that.

Mr. Mackenzie: You made a mistake (inaudible). Don't make a mistake as chairman too.

Mr. Stevenson: I think we can vote on it. First, we had better find out if the room is available, if there is security, if there is sound, and if you check out if there is security, sound and everything else, then we can decide if we are going to vote.

Mr. Mackenzie: Those people aren't (inaudible). I don't know why you're worrying about security.

Mr. Stevenson: Oh, very funny.

Interjection: Just normal security, you know.

Mr. Piché: Mr. Mackenzie, you have been known to come out with cheap shots and you (inaudible). I would like to be a hero like you and get up and get all the (inaudible). This is terrible.

Interjections.

Mr. Chairman: Order. We are going to vote on this motion not knowing whether or not we have the availability of the room over there. Correct?

Mr. Philip: On a point of order, Mr. Chairman: You do know that there is a room there. You know that there is no one in that room.

Mr. Chairman: I do not know any of those facts.

Mr. Philip: Of course, you do, because there is no one in that building at the moment.

Mr. Chairman: All those in favour--

Mr. Wrye: On a point of order: I ask for a 20-minute delay or until such time as we can get our proper substitutions.

Mr. Chairman: Twenty-minute division to gather the members.

Interjection: I don't care. I want three votes.

Mr. Chairman: The rules are that the division--

Mr. Wrye: --or until we get a proper substitution--

Mr. Chairman: Yes.

Mr. Wrye: --and that will be about two minutes.

Mr. Chairman: They have that right.

Mr. Wrye: We are getting a quorum. It is here right now.

Mr. Chairman: Sorry, it is 20 minutes. The division is--

Mr. Wrye: Or until.

Mr. Piché: The rules call for 20 minutes, and you know that.

Mr. Chairman: It is a maximum of 20 minutes.

Mr. Philip: Mr. Chairman, since my friend from Windsor-Riverside called the question, perhaps he will stand that down momentarily while we discuss this issue.

Mr. Brandt: Could I comment? I think that some of this discussion has been relatively senseless, and we are turning it into a circus.

I want to say on behalf of my colleagues that we are quite prepared to move, and I do not want to leave the impression with the good people who have come here tonight to hear a debate, that there is any reluctance on the part of the government members to move.

Interjections.

Mr. Brandt: I am quite prepared, as I believe are most of my colleagues, to vote in favour of moving to that other room. If we get over there, in the embarrassing circumstance that for whatever reason--and I do not know about it any more than my colleagues opposite me--the room is not available, then we will all be embarrassed and will be standing around in the hall. I want you to know that I am going to vote in favour of moving.

Mr. Eves: And if the room isn't available, you're going to pay.

Mr. Chairman: We now have the substitutions. We are back on the record and we have convened.

If this vote carries, we will adjourn to, what room? The Ontario room. If the room is not open we will readjourn here at 9:30.

Mr. Philip: Then show your MPP pass and get them to open it, for heaven's sake.

Mr. Chairman: All those in favour of the motion please raise your hands.

All those opposed please raise your hands.

Motion agreed to.

On motion of the committee, at 9:02 p.m. the committee adjourned to the Ontario room of the Macdonald Block, where the following submissions were presented until final adjournment at 1:15 a.m.:

SUBMISSION TO:

STANDING COMMITTEE ON  
ADMINISTRATION OF JUSTICE

FROM:

AUTOMOTIVE PARTS MANUFACTURERS  
ASSOCIATION OF CANADA

RE: BILL 179  
INFLATION RESTRAINT ACT 1982

OCTOBER 28, 1982



I AM PLEASED ON BEHALF OF THE INDEPENDENT AUTOMOTIVE PARTS MANUFACTURING INDUSTRY IN ONTARIO TO APPEAR BEFORE THIS COMMITTEE IN SUPPORT OF BILL 179, THE INFLATION RESTRAINT ACT, INTRODUCED BY THE PROVINCIAL GOVERNMENT ON SEPTEMBER 21.

THE AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION OF CANADA REPRESENTS OVER 300 CANADIAN MANUFACTURERS OF AUTOMOTIVE COMPONENTS WITH CURRENT EMPLOYMENT OF ABOUT 45,000 WORKERS, MOSTLY IN ONTARIO. THIS IS DOWN CONSIDERABLY FROM 1979 WHEN CLOSE TO 60,000 WORKERS WERE EMPLOYED. WE DO NOT REPRESENT THE MAJOR VEHICLE PRODUCERS OR THEIR PARTS MANUFACTURING SUBSIDIARIES.

THE APMA WAS CONSULTED IN THE PROCESS OF THE GOVERNMENT'S DELIBERATIONS AND AT A MEETING WITH PREMIER WILLIAM DAVIS ON AUGUST 20TH, WE, ALONG WITH OTHER REPRESENTATIVES OF THE BUSINESS COMMUNITY, URGED THE PREMIER TO FOLLOW THE COURSE HIS GOVERNMENT EVENTUALLY CHOSE.

DURING THE PREVIOUS MONTHS WE PARTICIPATED IN A NUMBER OF MEETINGS WITH PRIME MINISTER TRUDEAU AND FEDERAL

CABINET MINISTERS FOLLOWING THE INTRODUCTION OF THE FEDERAL GOVERNMENT'S 6 AND 5 PROGRAM. THE ASSOCIATION'S BOARD OF DIRECTORS ON BEHALF OF ITS 300 MEMBER COMPANIES COMMITTED ITS SUPPORT OF THE FEDERAL PROGRAM.

IN OUR MEETINGS WITH OTTAWA WE URGED THE FEDERAL GOVERNMENT TO FIND ADDITIONAL WAYS OF REDUCING FEDERAL GOVERNMENT EXPENDITURES--NOT BY REDUCING EXISTING SOCIAL WELFARE PROGRAMS--BUT BY CUTTING BACK ON UNNECESSARY EXPENDITURES.

WE DID NOT THEN NOR DO WE NOW SUPPORT MANDATORY WAGE AND PRICE CONTROLS FOR THE ENTIRE ECONOMY, WHICH WAS ONE OF THE OPTIONS BEING CONSIDERED BY THE FEDERAL GOVERNMENT.

PREMIER DAVIS ALSO CONSIDERED EXTENDING HIS PROGRAM TO INCLUDE CONTROLS ON WAGES IN THE PRIVATE SECTOR, BUT HE WISELY CHOSE, AS DID THE FEDERAL GOVERNMENT, NOT TO DO SO. FREE MARKET FORCES HAVE ALREADY DETERMINED WAGES, EMPLOYMENT AND PRICES IN MUCH OF THE PRIVATE SECTOR WITHOUT THE NECESSITY OF AN OVERALL CONTROL PROGRAM.

WHILE SOME CANADIANS SUPPORTED OVERALL CONTROLS, THERE IS NO PROOF THAT THE PREVIOUS CONTROL PROGRAM INTRODUCED

BY THE FEDERAL GOVERNMENT IN 1977 HAD ANY LASTING EFFECT ON THE RATE OF INFLATION OR IN THE MODERATION OF WAGE DEMANDS IN EITHER THE PRIVATE OR PUBLIC SECTORS. IN FACT, THERE IS STRONG EVIDENCE TO THE CONTRARY. DOUBLE DIGIT INFLATION BECAME RAMPANT ONLY AFTER THE CONTROLS PROGRAM ENDED AND WAGES AND PRICES SOUGHT TO CATCH UP AS A RESULT OF BEING RESTRAINED. ALSO IT IS IMPOSSIBLE TO CONTROL COSTS OF IMPORTS AND THE PRICING OF EXPORTS.

THEREFORE WE WELCOMED PREMIER DAVIS' DECISION TO FOLLOW WHAT TO US WAS A FAR MORE REALISTIC COURSE BY INTRODUCING CONTROLS ON THE WAGES AND SALARIES OF PROVINCIAL PUBLIC SERVANTS WHO HAD HERETOFORE BEEN INSULATED FROM THE VAGARIES OF OUR CURRENT RECESSION. TO BE SURE THERE HAS BEEN A SCALING DOWN OF THE SIZE OF THE ONTARIO PUBLIC SERVICE, AND SOME SALARY INCREASES HAVE BEEN LIMITED IN THE UPPER LEVELS OF THE BUREAUCRACY BUT BY AND LARGE PROVINCIAL PUBLIC SERVANTS HAVE BEEN SPARED THE LOSS OF JOBS THAT HAVE AFFECTED EVERY OTHER ASPECT OF THE ONTARIO ECONOMY.

WHILE THERE ARE THOSE WHO WOULD ARGUE OTHERWISE, IT HAS BEEN OUR VIEW THAT WAGES, SALARIES AND BENEFITS IN THE PUBLIC SERVICE AT BOTH THE FEDERAL AND PROVINCIAL LEVELS HAVE FAR OUTSTRIPPED THE PRIVATE SECTOR--PARTICULARLY THOSE WHO ARE UNORGANIZED.

THIS IS PARTICULARLY SO IN THE AREA OF RETIREMENT BENEFITS, WHERE INDEXING INTRODUCED AS A FEATURE OF FEDERAL TAX PROGRAMS QUICKLY SPREAD TO PENSIONS AND OTHER BENEFITS SO THAT SOME FORMER PUBLIC SERVANTS WERE MAKING MORE RETIRED THAN THEIR REPLACEMENTS. IT IS CLEAR THAT NO SOCIETY CAN TAKE ON THESE COSTS WITHOUT COMPENSATING INCREASES IN PRODUCTIVITY.

THE PRIVATE SECTOR MUST TAKE ITS SHARE OF RESPONSIBILITY AS WELL. COST OF LIVING CLAUSES OR COLA BECAME A FEATURE OF MANY CONTRACT ARRANGEMENTS BETWEEN EMPLOYERS AND EMPLOYEES UNTIL THEY BECAME A BURDEN FOR BOTH THE UNIONS AND EMPLOYERS WHO CAN NO LONGER OFFER THEM. AT FIRST THEY WERE CAPPED AND NOW THEY ARE BEING DONE AWAY WITH COMPLETELY.

IF THERE IS ONE DIFFERENCE BETWEEN OUR SOCIETY AND THE JAPANESE FROM A BUSINESS POINT OF VIEW, IT IS THIS WHOLE ISSUE OF UNPRODUCTIVE OVERHEAD. IN JAPAN, THERE IS VIRTUALLY NONE, WHILE IN OTHER INDUSTRIALIZED COUNTRIES THERE IS SO MUCH UNPRODUCTIVE LABOUR COSTS AND OVERHEAD BOTH ADMINISTRATIVE AND BY STATUTE THAT WE CAN NO LONGER COMPETE. THE GROWTH OF UNPRODUCTIVE AND HIGH COST OVERHEAD IS SURELY AT THE ROOT OF OUR COMPETITIVE DILEMMA.



OUR OPPOSITION TO THE CONTINUED ENRICHMENT OF SOCIAL PROGRAMS THAT ARE PROVIDED TO ONE SECTOR OF THE ECONOMY--IN THIS CASE THE PUBLIC--AND NOT AVAILABLE TO ALL, IS ON THE RECORD OF SEVERAL LEGISLATIVE HEARINGS AT BOTH THE FEDERAL AND PROVINCIAL LEVEL. WE ARE NOT INSENSITIVE TO THE NEEDS OF CANADIAN WORKERS AS THE RECORD OF LABOUR RELATIONS IN THE PARTS INDUSTRY INDICATES, BUT WE ARE REALISTIC ENOUGH TO KNOW THAT WE CANNOT AFFORD PROGRAMS THAT CANNOT BE FUNDED NOW OR IN THE FORESEEABLE FUTURE, WHICH AT THE SAME TIME MAKES US UNCOMPETITIVE INTERNATIONALLY.

SEVERAL MONTHS AGO WE APPEARED BEFORE THE SELECT COMMITTEE OF THE LEGISLATURE STUDYING PENSION REFORM AND THE REDUCTION OF FUNDING PROVISIONS OF EXISTING PENSIONS. WE OPPOSED THOSE PROVISIONS, NOT ON THE BASIS AS SOME OF MY NDP FRIENDS MIGHT THINK THAT WE ARE ANTEDILUVIAN AND OUT OF TOUCH, BUT BECAUSE WE CAN'T AFFORD THEM.

AS YOU KNOW THE BULK OF THE EMPLOYEES IN THE AUTO PARTS INDUSTRY ARE MEMBERS OF THE UAW. THE UAW UNDER THE LEADERSHIP OF BOB WHITE AND HIS PREDECESSORS HAS PROVIDED BENEFITS TO UAW MEMBERS FAR EXCEEDING THOSE OF ANY OTHER ORGANIZED GROUP IN OUR SOCIETY. BUT JUST A FEW WEEKS AGO, MR. WHITE AND HIS ASSOCIATES HAD TO ACCEPT THE REALITY THAT GENERAL MOTORS COULD NOT CONTINUE TO PRODUCE COMPETITIVE

VEHICLES IN CANADA IF THE WORKERS WERE NOT PREPARED TO PUT AS MUCH BACK INTO THE ECONOMY AS THEY TOOK OUT. THIS TRANSLATED INTO MAJOR CONCESSIONS BEING MADE DURING THE COLLECTIVE BARGAINING PROCESS.

MAKE NO MISTAKE ABOUT IT. THE AUTOMOTIVE AND AUTOMOTIVE PARTS INDUSTRY--THE BACKBONE OF THE ONTARIO ECONOMY--ARE IN A DRAMATIC STRUGGLE FOR SURVIVAL. A ONE-THIRD SLUMP IN VEHICLE SALES HAS CUT DEEPLY INTO OUR ECONOMY, ELIMINATING THOUSANDS OF JOBS AND MANY SUPPLIERS TO THE INDUSTRY. BY THE END OF THE FIRST YEAR OF THE DOWNTURN, TOTAL MANUFACTURING ACTIVITY IN ONTARIO WAS SLASHED BY 9 PERCENT. ABOUT \$6.3 BILLION WORTH OF PRODUCTION WAS WIPED OUT. LONG-TERM LAYOFFS HAVE SWEEPED ASSEMBLY PLANTS IN OSHAWA, WINDSOR, ST. CATHARINES, TIRE PLANTS IN TORONTO, NICKEL MINES IN SUDBURY AND THE STEEL MILLS IN HAMILTON.

THESE ARE NOT CYCLICAL PROBLEMS THAT WILL BE TOTALLY OVERCOME WITH THE REDUCTION OF INTEREST RATES OR THE LOWERING OF INFLATION. THEY HAVE OCCURRED BECAUSE VEHICLES PRODUCED IN NORTH AMERICA AND EUROPE HAVE BECOME UNCOMPETITIVE IN A NUMBER OF AREAS. IF WE ARE TO SURVIVE--AND I AM CONFIDENT WE WILL--WE MUST TRIM COSTS, IMPROVE PRODUCTIVITY, REDUCE THE COST OF GOVERNMENT, DEVELOP NEW SYSTEMS AND DEVELOP A STRATEGY THAT WILL ALLOW US TO SURVIVE. THE 9 AND 5 PROGRAM IS THE FIRST STEP.

IT OBVIOUSLY FOLLOWS IF THE PROVINCE'S MAJOR ECONOMIC LOCOMOTIVE HAS TO SCALE BACK IN ORDER TO BECOME COMPETITIVE, PROVINCIAL EMPLOYEES SHOULD NOT BE EXEMPTED FROM SUCH RESTRAINT. CIVIL SERVANTS, TEACHERS, DOCTORS AND OTHERS WHO PROVIDE SERVICES OR WHOSE WAGES ARE CONTROLLED BY THE GOVERNMENT TO THE COMMUNITY HAVE SHOWN NO WILLINGNESS TO SCALE DOWN THEIR WAGE DEMANDS VOLUNTARILY.

I WOULD LIKE TO COMPARE THE PERFORMANCE OF THE AUTOMOTIVE INDUSTRY TO THOSE OF THE TEACHING PROFESSION. JUST AS IN THE CASE OF DECLINING DEMAND FOR AUTOMOTIVE PRODUCTS THERE WAS A DECLINE IN THE DEMAND FOR SCHOOL SERVICES--BOTH FACILITIES AND SERVICES.

ENROLMENTS DECLINED BY WELL OVER 17 PERCENT. BUT THIS GROUP OF PUBLIC SECTOR EMPLOYEES HAS BEEN RELATIVELY WELL PROTECTED FROM FREE MARKET FORCES--THE LAW OF SUPPLY AND DEMAND. TEACHERS HAVE RETAINED INDEXED PENSIONS AND ALL OTHER BENEFITS, INCLUDING HOLIDAYS AND PROFESSIONAL DEVELOPMENT DAYS--AND THEY HAVE KEPT THEIR WELL-PAID JOBS.

THIS PARTICULAR SECTOR HAS BEEN RELATIVELY WELL INSULATED FROM THE DECLINING DEMAND FOR THEIR SERVICES. COMPARE THIS TO THE THOUSANDS OF AUTO WORKERS--BOTH BLUE AND WHITE COLLAR ONES WHO HAVE BEEN THROWN OUT OF THEIR JOBS

BECAUSE THERE IS NO DEMAND FOR THEIR SERVICES AND NO FINANCIAL RESOURCES EXCEPT THOSE SUPPORTED BY THE TAXPAYERS--UIC-- WELFARE, ETC., TO HELP THEM OVER THE DOWNTURN.

PREMIER DAVIS NOR ANY OTHER POLITICIAN IS ENTIRELY RESPONSIBLE FOR THE STATE OF THE ECONOMY TODAY. POLITICIANS WILL BE BLAMED ONLY IF THEY FAIL TO TAKE ACTION TODAY TO PUT ALL SECTORS OF THE ECONOMY ON A FOOTING SO THAT THEY WILL BE ABLE TO TAKE ADVANTAGE OF THE RECOVERY WHEN IT COMES.

THE AUTOMOTIVE PARTS INDUSTRY HAS HAD TO REDUCE ITS WAGE BILL BY OVER \$1.5 BILLION SINCE THE ECONOMIC DECLINE IN THE INDUSTRY WHICH BEGAN IN APRIL 1979, AN AVERAGE OF \$500 MILLION A YEAR. THESE SAVINGS IN WAGES HAVE RESULTED FROM A NUMBER OF TOUGH ECONOMIC MEASURES.

- . OVER 25 COMPANIES HAVE PERMANENTLY CLOSED THEIR FACILITIES, RESULTING IN THE PERMANENT LOSS OF SOME 9,500 WORKERS JOBS.
- . THE AVERAGE WAGES IN THE INDUSTRY ROSE BY ONLY 5.4 PERCENT IN 1979, 8.4 PERCENT IN 1980 AND 7.8 PERCENT IN 1981.
- . CURRENT WAGE SETTLEMENTS HAVE BEEN IN THE 5 TO 7 PERCENT RANGE AND IN MANY INSTANCES COLA CLAUSES HAVE EITHER BEEN ELIMINATED OR CAPPED.
- . UNEMPLOYMENT IN THE INDUSTRY WAS AS HIGH AS 39 PERCENT (IN THE FALL OF 1981) WITH CURRENT LAYOFF RATES OF ABOUT 26-29 PERCENT.



- . MANY OF OUR COMPANIES HAVE GONE TO SHORT WORK WEEKS AND THE INDUSTRY IS ONE OF THE LARGEST PARTICIPANTS IN THE FEDERAL "WORK SHARING" PROGRAM.
- . MANY SALARIED EMPLOYEES HAVE BEEN LAID OFF, FORCED INTO EARLY RETIREMENT OR HAVE HAD THEIR WAGES FROZEN.
- . SOME BENEFITS, PREVIOUSLY NEGOTIATED, HAVE BEEN GIVEN BACK TO THE COMPANIES--PAID PERSONAL HOLIDAYS IS ONLY ONE EXAMPLE.

IN THE SIMPLEST OF TERMS, WE LOST 40 PERCENT OF OUR MARKET AND THIS WAS MATCHED WITH 39 PERCENT UNEMPLOYMENT. THIS IS HOW THE PRIVATE SECTOR IS FORCED TO RESPOND TO TOUGH ECONOMIC DECLINES. WE MIGHT ADD THAT THROUGH THIS PERIOD, WE HAVE REMAINED COMPETITIVE AND IN FACT HAVE IMPROVED OUR COMPETITIVE POSITION.

THIS LEGISLATION ALREADY ACCEPTED BY THE PRIVATE SECTOR SHOULD BE A SIGNAL TO THE PUBLIC SECTOR. IN OUR INDUSTRY THE SIGNAL WAS FALLING SALES AND WE REACTED THROUGH CUTBACKS, LAYOFFS AND GENERAL RESTRAINT.

IN THE UNITED STATES WHERE UNEMPLOYMENT HAS REACHED A POST DEPRESSION HIGH OF 10.1 PERCENT THERE ARE SOME HOPEFUL SIGNS THAT THE ECONOMY IS BECOMING MORE PRODUCTIVE. HOWEVER

OUTPUT PER MAN HOUR IS STILL LOWER NOW THAN IT WAS AT THE END OF 1977. CANADA'S RECORD IS EVEN MORE DISMAL BUT WE HAVE BEEN PROTECTED BY THE RELATIVE WEAKNESS OF OUR CURRENCY AGAINST THAT OF THE UNITED STATES.

IF WE MOVED CLOSER TO A PAR DOLLAR WITH THE UNITED STATES OR OTHER CURRENCIES STRENGTHENED AGAINST OURS, OUR COMPETITIVE POSITION WOULD BE FURTHER ENDANGERED. IT IS OBVIOUS THAT WE MUST CORRECT OUR STRUCTURAL AND COMPETITIVE PROBLEMS WHILE WE STILL HAVE TIME TO DO SO.

LITTLE ATTENTION HAS BEEN PAID TO THE POSITIVE ASPECTS OF THE CURRENT PERIOD OF REFLECTION. IN HIS SPEECH TO THE LEGISLATURE THE PREMIER CALLED FOR A RECOVERY PROGRAM AND SUGGESTED THE ESTABLISHMENT OF NATIONAL TASK FORCE ON ECONOMIC RECOVERY INVOLVING ALL LEVELS OF GOVERNMENT, INDUSTRY AND LABOUR.

THIS IS A SUGGESTION THAT WE SUPPORT. THE NEED FOR A COMPETITIVE STRATEGY IN CANADA HAS NEVER BEEN SO APPARENT OR SO NECESSARY. WE ARE NOT ASKING GOVERNMENTS TO MAKE CHOICES BETWEEN GROWTH INDUSTRIES AND MATURE ONES, BUT TO PROVIDE POLICIES AND AN ECONOMIC ENVIRONMENT WHICH WILL EASE THE TRANSITION FOR BOTH INVESTORS AND WORKERS INVOLVED IN ALL SECTORS OF THE ECONOMY.

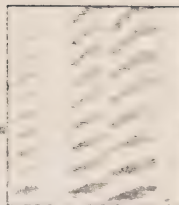
WE MUST ALSO FIND A WAY TO IMPROVE RELATIONS BETWEEN BUSINESS, GOVERNMENT AND LABOUR NOT THROUGH TRIPARTITE FORUMS BUT IN REALISTIC WAYS WHERE ALL THREE CAN MAKE JOINT INVESTMENTS IN THE FUTURE. THE SETTLEMENT BETWEEN GM AND THE UAW WAS CLEARLY AN IMPORTANT SIGNAL BUT BY THE SAME TOKEN A STRIKE AT CHRYSLER COULD SPELL THE END TO THAT COMPANY AND THE 12,000 JOBS IT PROVIDES FOR CANADIANS.

WITH INCREASED INTERNATIONAL TRADE, AND POOR ECONOMIC GROWTH WORLDWIDE, OUR COMPETITORS ARE MOVING TO SHIFT THEIR RESOURCES TO DEVELOPING BUSINESSES WHILE GETTING MATURE INDUSTRIES IN TOP, IF LEANER, SHAPE. WHERE SUCCESS IS ACHIEVED THERE WILL BE HOPE, WHERE NOT, THERE WILL BE DISASTER.

WE SUPPORT THE PROVINCIAL RESTRAINT LEGISLATION JUST AS WE DID SIMILAR LEGISLATION AT THE FEDERAL LEVEL BECAUSE IT IS FAIR THAT IN THIS COUNTRY EVERYONE MUST BE PREPARED TO PAY A PRICE TO RESTORE THE ECONOMY--SURELY PUBLIC SERVANTS HAVE JUST AS MUCH STAKE, IF NOT MORE, THAN THE REST OF US.

# Federation of Metro Tenants' Associations

Suite 233, 366 Adelaide Street East, Toronto M5A 3X9 364-1564



## RENTS AND THE PROVINCIAL RESTRAINT PROGRAM

Presented by: The Federation of Metro Tenants' Associations

Presented to: The Standing Committee on Justice  
Government of Ontario

October 28, 1982

Together we are strong



BRIEF TO THE STANDING COMMITTEE ON JUSTICE

CONCERNING

RENTS AND THE PROVINCIAL RESTRAINT PROGRAM.

It is important to begin by saying that this brief should not be seen as an endorsement of the wage control program being proposed by the provincial government as part of a restraint package. Since most observers concede that wages have trailed rather than caused inflation, the real intent of the current approach, let alone the basic equity, is questionable. . We do accept the fact that it is almost certain that wage increases in Ontario will be kept at or near 5 % in the foreseeable future. While only public sector wages are subject to direct control in the first instance, the provincial government is on record as saying that if private sector wages are not voluntarily restrained, then they will be controlled directly.

Rents, the single largest expense facing tenants, are not currently part of the restraint proposal. Instead they are being left to the devices of a rent review program that totally lacks the confidence of tenants. Tenants are cynical about rent review with good reason. While rent review has an important part to play in controlling a landlord's power to increase rents, the fact that rent increases are escalating demonstrates that the existing legislation and guidelines are inadequate to deal with the present situation. Over the last three years landlords have been totally insulated from the government's high interest rate policy as increased

financing costs were passed directly through to tenants. The result has been average rent increases of 20 % plus in this area. At the same time the unrealistically short break even provisions of rent review have encouraged the resale of buildings with predictable affect on rents. Average rent hikes of 20 % plus have been the rule with hikes of 30 %, 50 % and even 70 % not uncommon.

As more and more tenants pass through the rent review process and as awards to landlords grow larger and larger (outstripping wage increases last year by 5%) thousands of metro tenants are caught in an affordability squeeze out of which there appears no escape. Although tenants at the low end of the income scale are hardest hit, the scope of the affordability problem is such that it is reaching into higher and higher income brackets. The problem of affording one's rent is further compounded by an unemployment situation in which one out of ten persons in the labour force is without a job and living on either unemployment insurance or welfare.

And yet there are no alternatives, the waiting lists for non-profit and subsidized housing grow larger each day and the purchase market, once thought to be the release valve for a tight rental market, is even less affordable than rent.

This then is the reality into which the provincial government is introducing its restraint program. A reality faced by more than one million Metro tenants in which incomes, already stretched to the

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limit are about to be controlled, while rents, their largest expenditure item, are exempt from the program.

What we see unfolding is the formula for a disaster. A disaster anticipated by tenants and leaving them deeply concerned about their futures and their homes. Nowhere is this clearer than in the case of the more than 30,000 tenants in Cadillac-Fairview properties facing the certainty of both wage controls and crippling rent increases as a result of Cadillac's decision to sell off their residential rental properties. Outside of enhancing Cadillac's profit picture, the only thing that the sales will have accomplished is to remove thousands of units of relatively affordable housing from the market and force their occupants out onto a market incapable of accommodating them. Even those who stay will face hardship as tens of millions of additional rental dollars are transferred from food, clothing and transportation to an as yet unnamed landlord. Beyond these immediate human concerns, it is impossible to justify such a substantial shift in demand patterns right in the midst of attempts to turn the economy around and set it on a course of sustained growth. These are just some of the reasons that the Federation of Metro Tenants Associations insists that the only solution to the crisis confronting renters is the inclusion of rents in the restraint program by fixing a maximum allowable increase in rents of 5 % per year.

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It is a perfectly logical step on other grounds as well.

Since only a portion of rent goes toward paying for the operation of a building (40% to 50%) and since labour costs, hydro and property taxes will themselves be restrained, the majority of landlords will experience increases in operating profits at a 5% limit much as they have at the 6% guideline. Those who do have mortgage renewals upcoming will, given declining interest rates, be facing increases in the 2% to 4% range, well within the 5% limit on increases to rents being proposed. In other words there will be no serious hardship for most landlords.

On the other hand the benefits are substantial. Several areas responsible for substantial rent increases and not influenced by the rent review process will be restrained. These include building resale which will be discouraged rather than encouraged as is presently the case; major renovations and spending on cosmetic changes in the building, both responsible for removing affordable rental stock from the market; and creative financing through which landlords try to circumvent the rent review process by exploiting loopholes in the legislation. In addition, a 5% limit on increases will bring restraint to those buildings and units currently exempt from legislation and already costing 40% more to rent than those units under review. These are all not only desirable but necessary steps if the provincial restraint program is to have any meaning whatever.



One additional concern, as yet unmentioned, involves the estimated 70,000 rental units whose rents are increased illegally each year. Failure to come to grips with this problem makes any attempt to restrain rents incomplete. While the 5% limit alone will not solve the problem the 5% limit in combination with the immediate introduction of a rent registry will go a long way towards plugging this major cause of unconscionably high rent increases. As you know, a rent registry was included in the original Residential Tenancies Act but has not yet been proclaimed. While many parts of that act not in dispute were proclaimed, the rent registry was not. In our view, nothing is stopping this government from proclaiming that section of the act except the will to do it.

None of the preceding comments are meant to suggest that the Residential Tenancies Commission should be dismantled during the restraint program. Although rent review hearings as presently conducted will be suspended there remains work for the Commission to do.

First and foremost there must be a fundamental revision of the current legislation to restore tenant confidence and make rent review work for tenants in the post control period. The commission should also be responsible for administering the rent registry and improving its public information services regarding landlord and tenant law. Finally the Commission should be active during the restraint period in helping tenants recover costs passed through to landlords that the landlord no

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longer bears. This is no small matter as many thousands of tenants are now paying unjustifiably high rents based on increased financing costs awarded to landlords at the peak of the high interest rate period. Since then interest rates have come down with the result that landlords realize an unexpected windfall profit. Tenants must have their right restored to challenge increases up to the 5% limit and the Commission must be given the power to conduct hearings aimed at recovering this windfall.

In closing, we would like to return for a minute to the human dimension of the affordability crisis facing tenants. Since ultimately this is the most critical reason for legislating a 5% limit on rent increases

The one thing we know with certainty is that failure to act, beyond making a mockery of the proposed restraint program and totally undermining it before it starts, will mean that thousands and thousands of tenants will simply not be able to afford to stay in their homes. Senior citizens on fixed incomes, families already having difficulty making ends meet and others on layoff, these are the people most threatened with economic eviction. People whose homes will be lost and lives uprooted, people whose friends and neighbours will change, people who know that they will not be able to afford to stay and yet cannot get an answer to the question, "Where will I go?" because there is nowhere else to go.

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It is for this reason that the Federation of Metro Tenants' Association is calling for a 5% limit on rent increases as the only possible way to avoid an unprecedented crisis of affordability in rental apartments in the coming months.



PRESENTATION BY  
THE ELIZABETH FRY SOCIETY OF TORONTO

TO

THE JUSTICE COMMITTEE, ONTARIO LEGISLATURE

concerning Bill 179,

"An Act respecting the Restraint of Compensation  
in the Public Sector of Ontario ....."





After the principles, some facts: -

- a) Our income has not grown at the rate of inflation over the past few years. In 1980/1 our provincial grant was increased by 7.5%, in 1981/2 by 8.5% and this year by 10%. In the same years per diem fees paid by the Ministry of Correctional services have increased by 6.5%, 8% and 11%. Not only have the increases consistently been less than the annual rate of inflation, but the net result has been that the daily fee paid now only covers 67% of the actual cost of the service provided. The per diem currently paid by the Ministry of Community and Social Services covers only 49% of the cost. Other agencies have had similar experiences over the last few years. The facts and trends are documented in detail in Voluntary Sector at Risk, Trends in Government Support of the Voluntary Social Service Sector in Toronto, Social Planning Council, 1981. Privatization has not been a benefit for the voluntary sector, although it may well have kept government costs down.
- b) Our salaries are not, and have never been, competitive with the public sector. For instance, a probation officer II's salary range for 1982/3 is \$26,000 to \$30,000. Our social workers, who have equivalent or greater qualifications, and who do intensive counselling under contract for the Ministry of Corrections have a scale of \$19,000 to \$23,000, and for our Senior Social Worker, who has significant supervisory and administrative responsibilities, the range is \$22,800 to \$27,250. Our residential counsellors and office staff are receiving an average of \$15,000: our aim has to be to improve this level of remuneration, not to restrict their salary increases.

The irony is, of course, that we can't afford increases. We have already cut as far as we can and still face a large deficit.

For us, a legislative command to limit compensation is redundant.

Finally: at a time when economic distress finds reflection in expensive crowded jails and courtrooms, it seems self-defeating to squeeze out, in the name of economic restraint, agencies like ours which help alleviate the distress and prevent repeated use of these expensive facilities.

The Elizabeth Fry Society is a voluntary charitable Agency, incorporated in 1952, which provides services to female offenders. Some of these services are funded by the Ontario Government.

We have received notice that we will therefore be required to comply with the Inflation Restraint Act as it affects wages we pay to our staff.

We wish to express our strong feeling of the inappropriateness of the decision to include voluntary sector agencies such as ours for the following reasons -

First, some points of principle: -

- a) It seems to be the intent of the Act to include employees where the majority of control and/or funding is directly or indirectly under the aegis of the Provincial government - (Sect 6 (1) (a) - (h) Sect. 6 (1) (i) brings the Elizabeth Fry Society of Toronto under the Act, as the schedule covers corporations approved under the Charitable Institutions Act and agencies providing residential or other services under funding from the Ministry of Corrections.
- b) Although we receive funding from the Provincial government in 1981/82, our last complete fiscal year, it represented only 28% of total revenue - 22.2% came from the Ministry of Corrections and 5.8% from Comm. Soc. Thus although only about one quarter of our salary budget can be attributed to these revenues, apparently our whole salary planning must be controlled.
- c) Only a little more than a quarter of our finances comes from the Ontario government - but none of our Board members is appointed or chosen by government.

We are a voluntary sector organization, which has consciously attempted to maintain its independence from government, both by maintaining a diversity of funding sources and by being free to be constructive critics in the criminal justice field, as well as co-providers in the provision of services to women in trouble with the law.

We believe that this bill threatens the autonomy of the voluntary sector by choosing to see it as somehow an extension of government.

Let me remind you of the very strong statement made by the National Advisory Committee on Voluntary Action to the Government of Canada in its report People in Action:

"At the outset, the Council states unequivocally that voluntary activity does not derive its legitimacy from the State. For either the voluntary community or government to believe otherwise would have drastic implications for our free society."

(People in Action. p.3)



BRIEF TO THE  
JUSTICE COMMITTEE  
of the  
ONTARIO LEGISLATURE  
on the subject of  
BILL 179

Respectfully submitted by:  
Halton Women Teachers'  
Association  
President: Marie Ann Ebert

October 22, 1982



This brief is presented on behalf of the 1,000 members of the Halton Women Teachers' Association.

This organization vehemently opposes Bill 179. We believe that this bill is unjust and discriminatory. It denies the basic right of all workers to free collective bargaining. It impinges upon the employee's right to negotiate non-compensatory issues during the control period. It imposes the Inflation Restraint Board upon all parts of the public sector as the omnipotent decision maker offering no recourse, no alternative or even a rationale for the final judgement. Ultimately, it will undermine and cause to deteriorate the quality of education Ontario has been so proud of, for so many many years.

Bill 179 does not provide Halton with the "opportunity to respond on its own to the need for restraint"<sup>1</sup> as alluded to by the Minister of Finance for the Province of Ontario. It's prescription does not effect the diagnosis. Instead it exploits not only the teacher and the board, but the parent and student as well.

#### NO BARGAINING POWER

Since its enactment in 1975, the School Board and Teachers Collective Negotiations Act has governed the collective bargaining process for teachers. The hard-won rights in Bill 100 have ensured that both parties are obligated to negotiate "in good faith".<sup>2</sup> And in nearly every case, board and teachers have made "reasonable efforts"<sup>3</sup> to come to an agreement.

The legislation proposed in Bill 179 may be interpreted as having adverse effects on the bargaining process. It places no obligation on either party to bargain. It also presumes to suspend all rights to fact-finding, mediation, and/or arbitration for either party. Likewise, it intimates the elimination of the right to strike which has sometimes served as a necessary recourse for employees although Halton has not prevailed itself of this alternative. Consequently, Bill 179 could prompt the employer to suspend or even terminate negotiations. It would allow the employer to refer the decision to the Inflation Restraint Board. The final judgement of compensation and non-monetary issues would be binding.

1 - The Legislature: Frank S. Miller: Tuesday, September 21, 1982 p 10

2 - Bill 100: Part 1: Section 2

3 - Bill 100: Part 1: Section 2

There would be no opportunity for appeal by the employee group.

The proposed legislation is also discriminatory. Although it may only effect a small percentage of the Ontario workforce, it includes more than 500,000 employees of the public sector. And even within that group, it is reasonable to conceive that there may be inequities in compensation plans for 1982-83. Those employees who have not settled, as is the case in Halton, will be limited by the Inflation Restraint Act.

In addition, Section 12 (5) needs to be clarified. Is it possible that this legislation would not recognize and compensate teachers who have improved their qualifications? What implications might these restrictions have on a grid structure which has provided the basis of fair compensation for many years?

How should Section 19 be interpreted? Will this legislation prevent an employee group from achieving parity with like groups? We are very concerned about the tremendous discrepancies that will exist after the controls are removed.

The purpose of Bill 100 as stated in Part I, Section 2 was to further "harmonious relations between boards and teachers by providing for the making and renewing of agreements".<sup>4</sup> The proposals in the Inflation Restraint Act completely undermine teachers' rights to negotiate with their employer. We believe this legislation would be destructive to the co-operative relationship between employers and employees.

This organization strongly opposes legislation which annihilates the rights of an employee group to due process in collective negotiations.

#### NON-MONETARY IMPLICATIONS

According to Bill 179, non-compensatory items may be negotiated at the employer's discretion. However, they are under no obligation to do so. Consequently, the teachers may have no leverage with the installation of the Inflation Restraint Board. The Halton Board may simply refuse and teachers would have no alternative or recourse. Teachers want the right to negotiate staffing and working conditions.

Secondly, who will decide what a non-monetary item will be? Will there be consistency in interpretation throughout the province. Or, will teacher groups be forced to abdicate their responsibility to be advocates for the students they teach?

Halton teachers, this year, had outlined specific plans to effectively negotiate a lower pupil teacher ratio. From a historical perspective, Halton has had the highest ratio in all of the province for a number of years. We specifically wanted to emphasize staffing for French Immersion and Special Education classes.

However, with the introduction of Bill 179 into the Ontario Legislature, the implications are frightening. Additional areas of concern for teachers such as the dispensation of medication to exceptional students and improving parental leave clauses will in all probability not be negotiated by our Board as there is no obligation to do so.

Class size will also probably increase where existing classes are already far too large. New programs will be limited because of financial cutbacks to Boards of Education and maintenance of current programs will become increasingly difficult. These Boards, Halton included, may consequently resort to hiring more non-teaching personnel. Students may subsequently, have to contend with adult instruction from people who are not professionally qualified to teach them. Likewise, teachers will in all probability be expected to appalud the additional burden of increased workload and more diversified and intensified roles while still maintaining the high quality of education expected by the Halton parents at the present time.

This organization adamantly objects to legislation which obstructs the free collective bargaining process.

#### INFLATION RESTRAINT BOARD

Bill 179 establishes that the Inflation Restraint Board has no obligation to hear appeals or provide a rationale for their decision. Thus, in theory, this Board could within the legislated parameters, ignore any input. This could have a direct bearing on the ultimate decision and subsequently, make a ruling. Does this bill, in essence, grant omnipotent power to the Inflation Restraint Board?

Will this same Board, in fact, be able to intervene even when neither party has made a request?

Moreover, who will serve on this Inflation Restraint Board? What will their expertise be? Will their expertise relate undeviatingly to the area and specifics of the particular dispute?

The intent of the legislation seems to undermine our basic judicial rights. It clearly indicates that our right to be heard may indeed be denied. We are granted no guarantees. Only blind faith prevails, that in the Inflation Restraint Board's infinite wisdom or at its discretion, we may be awarded the opportunity to voice our opinions.

Under Bill 100, we have been assured fair and equitable treatment. In disputes, representation has been equally granted to both parties. Both employee and employer have had equal opportunity, obligation and comparable power with which to negotiate. However, with Bill 179, there is a distinct danger of a bias in support of the employer. Power will no longer be equally distributed. In fact, the Ontario government will be contravening its own legislation if it passes Bill 179.

We, the public sector, and specifically Halton teachers, are being exploited. Are we to be the provincial scapegoats? Is the Ontario legislature advocating politics by fiat?

#### IMPLICATIONS FOR QUALITY OF EDUCATION

On the surface, Bill 179 appears to be a short term plan concluding in two years. However, we are specifically concerned about the long-term implications, particularly since Bill 82 has become law. What concerns us most is that the Ministry has told us on the one hand to prepare the child for the future, to react to cultural and language issues, and to mainstream the exceptional child. The Ministry has mandated Special Education through Bill 82 and has strongly recommended that French and Computer Education be incorporated into the school system. On the other hand, the Ministry appears to restrict the financial ability of school boards to fully implement these programs once they are initiated.

In all likelihood, provincial funds for education will be affected by the same restraints.



This will have a direct impact, not only on the programs involved, but on all areas of education.

Because of the probable financial cutbacks to Boards of Education, larger classes will be the inevitable result. The average child as well as the exceptional child will suffer as minimal programs will be offered, and less professional expertise will be available to students in large quantities.

As for the over-taxed teacher, she will be twice penalized. Not only will her right to a fair return for her work be curtailed, but her catch-up opportunities at the end of the control period will also be prohibited by Bill 179. Likewise, she will be burdened with insufficient human and instructional resources to assist her in curriculum planning and implementation. Are the special children in her classes to receive only symbolic assistance?

The natural consequence of financial cutbacks and over-taxed teachers will be a significant decline in quality of education for all children, and to be expected, justified adverse reaction from parents.

Because the teacher is seen as the one who is ultimately responsible for a child's quality of education, teacher-parent relationships will erode and a lack of trust will emerge between the most important persons who are involved in a child's education.

We are opposed to legislation which will erode the programs and services that are required to meet the ever-changing needs of the young people in this province.

These young people are our future!

In conclusion, we believe that Bill 179 is detrimental to free collective bargaining. It encourages an impasse in the negotiating of non-monetary issues during the control period. It grants incredible power to the Inflation Restraint Board and eliminates our inalienable right to appeal. Inherent in the loss of bargaining power and probable financial cutbacks, is the ultimate deterioration in the quality of education.

This bill will all but destroy the level of trust and the co-operative nature of many essential relationships in the realm of education.

Boards and teachers, parents and teachers, and most important students and teachers will be the victims of a bill that exploits the cohesive network.

Bill 179 is a discriminatory and unjust piece of legislation. We appeal to your sense of fairness and urge the complete withdrawal of this bill.

Respectfully submitted,

Marie A. Ebert.

A BRIEF  
TO THE  
JUSTICE COMMITTEE OF THE ONTARIO LEGISLATURE  
ON THE SUBJECT OF  
BILL 179

FROM THE:

**HALTON TEACHERS' FEDERATIONS**



**HALTON DISTRICT 9**  
ELEMENTARY SECONDARY SCHOOL TEACHERS'  
FEDERATION



HALTON ELEMENTARY TEACHERS'  
ASSOCIATION

TO: The Justice Committee of the Ontario Legislature

FROM: Mr. Robert Filman, President, Halton Elementary Teachers' Association.  
Mr. J. D. Harwood, President, Ontario Secondary School Teachers' Federation.

This brief is presented on behalf of the Halton Elementary Teachers Association and O.S.S.T.F. District Nine. The 2600 teachers so represented are strongly opposed to the current legislation known as Bill 179.

The Bill has been labelled as discriminatory. Tax laws, criminal laws and civil laws support and protect societal values and in so doing, they discriminate. It is wrongful discrimination which makes Bill 179 so odious to us. It imposes wage controls on a particular group - controls that are rationalized as inflation fighting. Yet the controls are to be imposed on the group which has consistently lost ground both to inflation and to other groups. This visible minority is used as a focus for apparition action. Bill 179 is wrongfully discriminatory.

The Bill allows Boards to unilaterally close off negotiations, even on cost-saving items such as Early Retirement Incentive Plans, and Deferred Salary Leave Plans.

The Bill is wrongfully discriminatory within the Public Sector. The \$35,000 restriction related to up-grading discourages professional development which leads to greater competence.

The Bill permits Boards to meet the requirements of Bill 82 within existing resources. Serious erosion of quality education will ensue.

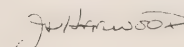
The Bill violates human rights with its no strike provisions.

The Bill will not create jobs.

The Bill will not reduce inflation.

We believe it is a political sham to shift revenue to other areas of the Progressive Conservative Budget at the cost of education.

Sincerely,

  
Mr. Robert Filman, Mr. J. D. Harwood

RFJH/ld  
1982 10 21





Suite 212, 214 King Street West,  
Toronto, Ontario, M5H 1K4  
Telephone: (416) 598-4684

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October 28, 1982

Mr. Richard Treleaven, M.P.P.  
Chairman  
Standing Committee on the  
Administration of Justice of  
the Ontario Legislature  
Queen's Park, Toronto

BILL 179

Mr. Chairman and Members of the Committee:

Retail Council of Canada is pleased to appear before you to comment on the terms of Bill 179, and to discuss the need for fiscal restraint in the Province of Ontario. We also wish to discuss the role played by the distributive trades in economic restraint and recovery.

THE CONSTITUENCY REPRESENTED

Retail Council of Canada is a national trade association whose objectives are to represent its members to their many publics, and generally to work for the improvement and efficiency of the industry within Canada. Among the categories of its members of interest to the Committee are those directly involved in the merchandising trade and its affiliate associations. Its direct members operate over 12,000 units, perform approaching close to 65% of Canada's total merchandising

store business. Its affiliate associations represent either specialist sectors of the business or regional retail groupings and speak for many thousands more retailers.

#### RETAIL COUNCIL'S INVOLVEMENT IN RESTRAINT PROGRAMS

##### The Federal Restraint Program

In response to the initiatives set out in the Federal Government's June budget, Retail Council recommended to its direct and affiliate members support for the voluntary restraint program outlined at that time. It was our view that the program had a reasonable chance of success to return our economy to an internationally competitive position, and to break the vicious circle of high costs spurring yet more inflation. We perceived that if the program were to fail, a more massive and much less palatable intervention would be necessary.

We endorsed the principle of wage guidelines, but stressed that:

1. for most companies, maintenance of jobs, corporate survival had become the highest priorities;
2. the very difficult trading patterns experienced by retailers over the last 12 months had obliged many companies to freeze or reduce salaries or to make adjustments at rates below the suggested ceiling;
3. it was recognized that some companies would feel obliged to make exceptions because of unusual circumstances relating to competitive factors, productivity experience, contractual situations or other exceptional influences.

On prices, we pointed out that most durables and semi-durable merchandise (usually described as department store-type merchandise) had performed better than the overall consumer price index. In fact, for many commodities, as we discuss in detail later, real prices experienced by consumers, as opposed to figures shown in the Consumer Price Index, have been at flat or negative rates of inflation for the past several months. Continued strong competition in the distribution trades and among its suppliers mean that market forces by themselves should ensure that prices in most categories of this merchandise will fall well within the 6 & 5% guidelines.

In relation to food, experience also has been much better in recent months with the September figures showing that food purchased from stores was only 5.5% over the September, 1981 price. For 1982 as a whole, year over year compared with 1981, the increase should be below 10% -- a result better than we anticipated at the beginning of the year. For 1982, a recent Federal Department of Agriculture forecast, which coincides with our own predictions, is that the inflation rate, barring unforeseen crop disasters or international disruptions, should be under 8%.

In any event, some 60% of the component of the food-for-home index is directly related to, or strongly influenced by, international price movements for internationally traded commodities. The extent to which food prices can be controlled by domestic action is therefore limited.

#### Retail Margins

In response to the Federal program we also commented on retail margins. We noted that in previous periods of mandatory or voluntary price restraint, it had been recognised



that because of the multiplicity of items stocked by retailers, control or monitoring by individual item and price point was impractical. Merchants had been asked to be governed by tests relating to their overall average margins or their overall profitability. In the recent past, most merchants had seen their realised margins erode because of their need to clear inventory and because of the strong prevailing competition. Their profits have similarly been severely affected. In this situation, we indicated that retailers could not be expected to reduce further their current attained markings. We predicted, however, that price competition would continue to remain very strong, and that it was clear that the retail industries would not be augmenting Canada's inflationary pressures.

#### THE ONTARIO PROGRAM

Much of what we said to the Federal Government in relation to its program holds true for the provincial program, these few months later. What was clear then and is even clearer now is that the Federal restraint program would only be a beginning. We believe additional initiatives are, indeed, necessary, building on the climate created by "6 & 5", both by the provinces and by the Federal Government itself. We, therefore, welcome Ontario's plans for restraint, not so much as an adjunct to the Federal initiative, but in its own right. Something over one-third of material retail and distribution activity takes place in Ontario. This industry is labour intensive and therefore highly sensitive to wage trends and their effect on prices. Retail wages, in turn, are significantly influenced by the public sector wage settlements approved by the Province of Ontario.

If anything has changed since the Federal restraint program was announced in June, it is that the profit picture for most business sectors is even worse than it was. A recent report showed that profits were down an average of 59% in 19 of 22 business sectors in the first half of 1982. Publicly owned merchandising companies showed a loss of \$91 million for the first six months of 1982, compared with a profit of \$82 million for the same period the previous year, one of the sharpest reversals of all industrial sectors. As members of the Committee well know, it is profit that provides working capital for investment in new projects. It is the use of idle capacity and thereafter an increase in that capacity which will provide opportunities for people to return to work or to switch from chronically depressed industries to growth sectors.

There are major problem areas looming on the horizon which could scuttle both federal and provincial efforts to promote and achieve economic restraint. We ascribe the highest priority to the problem of wage bottlenecks. We are concerned to see that since the introduction of the Federal program, settlements have been taking place in some industries, presumably where the unions concerned have near monopolistic powers or very strong bargaining leverage, at well over double the recommended rates. The construction industry is the most obvious of such sectors, but it is not alone. In the past, some sectors of our own industry have been afflicted by the problem.

Certainly restraint of public wages will be helpful as an example in such situations. We do not believe, however, that the example will be enough. We believe that this provincial government, and indeed all others, as well as the Federal Government, must bear down on the wage bottleneck problem. It may be that specific and different remedies

will have to be devised for the structural problems which bring about the imbalance of power producing the disproportionate wage rates. And this we believe must be done as a matter of urgency, because many of these wage rates, such as those in the construction industry, bear directly on the costs of a great many other trades and sectors.

We are glad to see Bill 179 addresses the question of controlling increases in those administered prices for which the Ontario Government has ultimate responsibility. It is important, for instance, that consumers in Ontario should have the assurance that prices established by provincial marketing boards with supply management powers should be subject to particular scrutiny during this critical economic period. We believe that only in the most exceptional case should permission be given for price increases beyond the 5% criterion.

#### PRICE MONITORING

The Bill, in part 4, section 33, provides power to monitor prices in the private sector. In relation to food, this is not a novel experience for the province as the Department of Consumer and Commercial Relations performs a periodic price survey, the results of which are made public. It would, however, be a novel enterprise so far as general merchandise prices are concerned. We would make the following observations in relation to this project.

1. The measurement and change of retail prices, if it is to be meaningful, must be performed with considerable expertise. Those charged with the measurement function must be sensitive to such factors as changes in product quality, model changes, the impact of promotional or

sale prices, the effect of "specials", regional variations, private brands and the potential uniqueness of such products and a variety of similar other considerations.

2. Food products run into the tens of thousands; general merchandise products run into the hundreds of thousands. A full line department store, for instance, will maintain an inventory made up of over one-half a million of stock keeping units. It is physically a near impossibility to keep track of all those items. But, selection of a market basket also presents problems. A basket meaningful for one category of consumer will not be relevant to another. Also, consumer preferences change with bewildering rapidity. It is also difficult to find truly comparable articles from one business entity to another;
3. The Consumer Price Index is commonly used as a surrogate for a cost of living index. Particularly in times of high but declining inflation, it is a very inadequate substitute. Even in times of high, sustained, inflation, the index substantially exaggerates the effect of price on the buying power of consumers. In a period when inflation is high but declining, that phenomenon is even more pronounced. There are two principal reasons for this phenomenon:- First, the index is not capable of capturing the rate at which consumers make substitutions of one product, experiencing a relatively low rate of inflation, for a product which is going through a high rate of inflation. (Expressed in concrete terms, when beef is expensive, consumers switch to another meat product, like chicken or pork.) Secondly, the index does not measure the comparative quantities of product which are sold at promotional, as opposed to regular, prices. Both types of price have an equal weighting in the Index, but a merchant knows that he



may move several times as much product as a promotional price as he would move at a regular price. During the first six months of this year, most general merchants had a high proportion of their merchandise on sale at very sharp discounts. The effect of these inventory clearances was not properly registered by the C.P.I.

All of the foregoing leads us to make two recommendations:-

1. that any price monitoring performed by the Province be done with an appropriate circumspection and with reliance on the best advice available;
2. that Ontario's Government join with others in working for a resolution of the inflation perpetuating effect of utilising the C.P.I. in the simplistic way which has become common. Specifically, in this regard, we suggest that, pending the necessarily long term solution of establishment of a more dynamic, true cost of living index, the province play its part in informing users of the C.P.I., including those responsible for negotiating or establishing public service wage rates, in the manner in which C.P.I. figures should be modified in application so that they provide a better indicator of the rate of inflation which consumers actually suffer. In relation to the semi-durable and food sections of the Index, that may mean diminishing the apparent rate of inflation by as much as 20-25%.

#### WHAT NEXT?

Mr. Chairman, Retail Council of Canada endorses Ontario's restraint program, not because it serves interests of this or that group, but because it is necessary for the renewed

prosperity and stability of the Province as a whole, and Canada as a nation. There is no question we must improve our productivity and competitiveness to maintain domestic markets and to win new ones abroad. There is a need for a more positive investment climate in which Canadian business can get on with the job of taking up idle capacity, and developing new and expanded industries. The first pre-requisites to enable it to do this are indeed:

- 1) restraint in public sector expenditures and wage settlements;
- 2) more reasonable levels of industrial cost, especially wages.

The program outlined in Bill 179 is a step in the right direction, and we look for, indeed we assume, its early legislative implementation.

But, it would be a mistake to presume that with the Federal and Provincial restraint programs in place all will be well and our economy will recover during this "winter of decision". It is clear there are huge social and other problems looming on the horizon requiring decisive action by governments so that the recovery as it takes hold will show a robust strength and enable us to provide the jobs and prosperity for those who are currently out of work.

On the Federal level, we are continuing the restraint dialogue to attempt to ensure that;

- 1) counterproductive tax measures from previous federal budgets (e.g. the manufacturers' sales tax shift) are postponed or cancelled;
- 2) Canadians are encouraged in a positive way to utilize Canadian products, but that at the same time, extraordinary safeguard measures are used as sparingly as

possible so as to maintain the integrity of the multi-lateral trading system and avoid retaliatory measures against Canadian exports;

- 3) the viability of the Unemployment Insurance Fund is maintained in a manner which will not create a sudden or undue burden on the spending capability of Canadian consumers or the cost of Canadian business;
- 4) new stimuli are devised for capital investment by Canadians in Canada, including those by foreign interests and the advancement of the start of mega projects which promise both immediate and flow-through job opportunities.
- 5) a temporary hold be placed on new initiatives which have the effect measurable or potential of increasing costs for Canadian business even though desirable at some future time.

On the provincial front, we think the Ontario Government should:

1. work to ensure that protectionist measures are viewed in the medium and long term context, as well as for their assumed effect on providing solutions to immediate problems;
2. open the dialogue with other provinces and the Federal Government on the wage bottleneck problems so that specific plans of action can be implemented after consultation with the affected parties;
3. give high priority to the implementation of projects under BILD or otherwise which have the promise of delivering both immediate employment and long term contributions to the economy.

4. A year hence, consider whether a continuation of the restraint program is necessary perhaps, with a lower ceiling on wage increases.

We shall be happy to expand on any of the foregoing.

All of which is respectfully submitted.

A handwritten signature in dark ink, appearing to read "Alasdair J. McKichan". The signature is written in a cursive, slightly slanted style.

Alasdair J. McKichan  
President  
Retail Council of Canada





BRIEF TO THE COMMITTEE OF THE

ONTARIO LEGISLATURE

RE: BILL 179 - AN ACT RESPECTING THE RESTRAINT  
OF COMPENSATION IN THE PUBLIC SECTOR OF ONTARIO

PREPARED BY: UNION CONSULTING SERVICES  
on its own behalf and also on behalf of:

HEALTH, OFFICE AND PROFESSIONAL EMPLOYEES  
(a Division of Local 206, Retail, Commercial  
and Industrial Union, Chartered by United Food  
and Commercial Workers International Union)

- and -

CIVIC INSTITUTE OF PROFESSIONAL PERSONNEL

- and -

OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION

- and -

LONDON AND DISTRICT SERVICE WORKERS' UNION (LOCAL 220)  
(Service Employees International Union)

## INTRODUCTION

This brief is presented by Union Consulting Services, an association of four Union consultants. We provide services to Unions in such areas as arbitration, negotiations and education.

In this province we are currently working with a large number of Unions or Locals of Unions in the Ontario Public Sector including Ontario Public Service Employees Union (O.P.S.E.U.), Canadian Union of Public Employees (C.U.P.E.), Service Employees International Union (S.E.I.U.), Ontario Nurses' Association (O.N.A.), Health, Office and Professional Employees (H.O.P.E.), Office and Professional Employees International Union (O.P.E.I.U.), Ontario Liquor Board Employees Union (O.L.B.E.U.), Civic Institute of Professional Personnel (C.I.P.P.), Confederation of Ontario University Staff Associations (C.O.U.S.A.), and others. We have been particularly active as Union nominees on Boards of Arbitration under the Hospital Labour Disputes Arbitration Act, Crown Employees Collective Bargaining Act and the Ontario Labour Relations Act. We are therefore deeply concerned about the effect of Bill 179 on the economic position and bargaining rights of public employees.

Most of the above Unions are making their own presentations to your Committee. However, the Health, Office and Professional Employees, Civic Institute of Professional Personnel and the Office and Professional Employees International Union have asked us to make representations on their behalf. Some of their particular problems will be drawn to you attention in this brief.

### Health, Office and Professional Employees

The Health, Office and Professional Employees is a Division of Local 206, Retail, Commercial and Industrial Union, and is chartered by the United Food and Commercial Workers International Union. They represent between 800 and 900 employees covered by approximately 20 collective agreements in Ontario. These employees work for private Nursing Homes and School Boards.

### Civic Institute of Professional Personnel

The Civic Institute of Professional Personnel represents approximately 500 professional employees who are employed by the City of Ottawa, the Ottawa-Carleton Regional Government, and the Ottawa-Carleton Regional Health Unit in two collective agreements.

### Office and Professional Employees International Union

The Office and Professional Employees International Union represents approximately 1500 employees in the Ontario Public Sector. These include Hospital employees, employees of School Boards, and other such agencies.

### London and District Service Workers' Union (Local 220)

This Local Union has 7500 members in something over seventy bargaining units in London and a wide area around that city. Their members work for Hospitals, Nursing Homes, Homes for Aged, School Boards, Day Care Centres; etc. Almost all are affected by the proposed legislation. They appeared yesterday with other locals of S.E.I.U., but they also wanted to identify themselves with our submission to you today.



### General Review of Bill 179

The Ontario Government has imposed Bill 179 with the claim that controls on the Public Sector will in some way help solve Ontario's economic problems. That claim is a dishonest one.

The controls programme is based on assertions that excessive wages have been a major cause of Ontario's current depression/recession, and by curbing wages, forcing lower increases, the economy will in some way be helped.

In fact, the economy will not be helped in any way. It will be seriously harmed. Moreover, the statistics show that real wages have fallen both in the Private and Public Sectors over the last five years. Therefore, wages have lagged behind price increases rather than being the cause of inflation.

We will deal on the following pages with the Bill's real economic effects, with its patent unfairness, and its violation of basic democratic rights, as well as some of its specific anomalies.

### No Economic Rationale

There is in fact no legitimate economic rationale for Bill 179. It will do nothing to solve the current twin scourges of unemployment and inflation.

Unemployment      We now suffer from the highest unemployment rate since the Dirty Thirties. Currently some 32% of Ontario's industrial capacity is idle. In the thirties the unemployed had little money to buy consumer goods. The Retail Sector kept reducing their purchase

of finished goods from industries processing such goods. Industries therefore cut back on production, which meant lay-offs of workers. As workers were laid off, they added to those not able to buy. This in turn added to further cutbacks in industry, and to further lay-offs. It fed on itself: lay-offs; reduced consumption; more lay-offs; further reduced consumption. Similarly today, reduced consumption is keeping unemployment at record heights.

Inflation        One big difference between the dirty thirties and the unnamed eighties is that we did not have inflation in the thirties. The market place was considerably governed by "supply and demand". The effects of the concentration of capital, of monopoly control, were not nearly so pronounced as today. (Witness the sudden increase of gasoline one day last week by 10¢ a litre -- an overnight simultaneous jump of 26% by three or four of the largest oil corporations, others falling in line after a discrete wait of an hour or two.)

A combination of monopoly influences on prices in key sectors of the economy, the energy policy and the resulting increased price of fuel, and Government monetary policy that resulted in high interest rates -- these have all contributed to inflation over the past few years.

What possible influence will Bill 179 have in curbing these factors that fuel inflation? If one wants to curb price increases, that's what should be done: curb price increases!

As has been said by so many, wages have not caused inflation.

Workers have been victimized by inflation. Wages have not kept up with inflation.

### Redistribution of Income

In this environment, what effect will Bill 179 have? It will be self-defeating since it will simply lead to a redistribution of wealth. It has been estimated that it will take away some \$500-800 million from the pockets of the Ontario Public Sector, of which a large number are already receiving pitifully low wages.

It is difficult to estimate that figure more precisely. Part of the loss is the direct loss ensuing from roll-backs of contracts which have already been negotiated. There is also an estimated loss because of the removal of the right to bargain and the restraint of all wage increases to 5%. We do not know what the results of collective bargaining in the Public Sector would have been in the absence of Bill 179. But clearly there is a substantial loss in both present and future income as a result of this legislation.

Even after the Legislation expires the Ontario public sector will be bargaining from a base of much lower incomes. Therefore both present and future earnings of the Ontario public sector will be severely reduced. The figure of \$800 million is likely conservative but, even that figure amounts to approximately \$1600 for each of the 500,000 employees affected.

### Where Does The Money Go?

First of all, it goes to the Ontario Government and in effect

amounts to increased taxation with an average of \$1600 per employee. Money is therefore redistributed by the Government from employees in the public sector to society as a whole but most particularly to the corporate sector.

It does not all go to the Government itself, however. A portion of the money saved goes to certain private corporations such as Private Nursing Homes, Day Nurseries and Day Care Agencies. Included are such corporate giants as Extendicare (Canada) Limited.

In some cases, the controls cover not only the period following October 1st, 1982 but the prior period stretching back into 1981 as well, depending on the status of negotiations when the Bill was first introduced. The effect will be an extensive windfall to some of these Corporations even covering the period which has already passed and for which their revenue has already been determined.

On October 14th of this year, a conference was held by the Canada Labour Views Company Limited which I attended. In the afternoon there was a panel discussion on "Collective Bargaining in a 6/5 Economy". Included on the panel was Mr. Ian Sinclair, Chairman of Canadian Pacific Enterprises Limited. He has been one of the key leaders in the Private Sector who has been selling the 6/5 concept to private industry. He was asked where the money that was being taken from the C.P.R. employees was going. Was it going to create more employment or replace obsolete equipment? His answer went straight to the point: "Profits".



To summarize: We have the Government passing legislation to take substantial amounts of money out of the hands of public employees. Some of it will go to Government, and some directly or indirectly to corporations in the private sector.

#### Economic Effect - Reduced Consumer Demand

With lower wage increases and much lower wage expectations for the future because of the Bill, the effect will clearly be to weaken consumer demand further. These employees will be still less able to buy homes, cars, and other durable consumer goods. The consumer will have less confidence. There will be more business failure, more unemployment, and a prolonged recession/depression.

#### The Myth of Job Security

One of the oft-mentioned justifications for public service wage controls is the claim that the Public Sector benefits from total job security. The Private Sector is suffering layoffs and high unemployment. The Government would have us believe that Bill 179 is a way of making the Public Sector do their part to compensate for their greater Job Security.

We have already indicated that reducing wages of the Public Sector will do nothing to help workers in the Private Sector. In fact, as we have already indicated, it will harm them. But, in addition, the Public Sector is not immune from layoffs either. In the last few years we have witnessed cutbacks and layoffs in Hospitals, Nursing Homes and educational institutions.

If this Bill is justified by the supposed job security of the Public Sector, the answer is simple. Merely put a 'No Layoff' clause into all of the collective agreements. Otherwise it is dishonest for the Government to pretend that these workers are immune from layoffs.

#### Principle of the Sanctity of Contracts

There are also several fundamental principles this Bill violates. One is the sanctity of contracts. This is a basic legal principle which we tend to take for granted. When two consenting parties sign a contract, that contract is binding. Moreover, the Government is traditionally seen as being subject to the law as well. Bill 179 illustrates that the Government by legislation can breach any contract it so wishes. It can sign a contract one day as an Employer and break it the next day through legislative power. This type of action removes the respect of the population for the law.

The justification is that there were so-called runaway settlements in the past few years. In actual fact, real wages have fallen since 1976, both in the Private and Public Sectors. Other presentations and data have already illustrated that the Public Sector has not been living high off the hog.

But aside from that we must consider who made these so-called runaway settlements. The Government in fact signed many of these contracts in good faith. What is the Government saying now? Are they saying, "We made a mistake"?

The repudiation of contracts is a very alarming sign. If the Government can tear up a contract, why not other Employers in the Private Sector?

When Union leaders violate collective agreements by engaging in unlawful strikes, they are thrown into jail or fired from their jobs. Yet the Government appears to have no compunction about wiping out the contracts it has negotiated. The reason is because the Government has the power to do what it wants, to make the law or change the law as it suits its purpose and the interests of those whose interests they really represent. This is a lesson that will not be lost on working people.

#### How Does Bill 179 Break Existing Collective Agreements?

It does this in two ways. First of all, Section 11(b) provides for direct roll-backs of the second year of a multi-year contract where the current collective agreement has a scheduled expiry date on or after October 1st, 1983. That is the most obvious example of breaking contracts.

Secondly, and more generally, but at least as important, the extension of all existing agreements by a further year is a very severe form of contract-breaking. When the parties negotiated the collective agreement they did so with a clear provision that the term would be of a certain duration. Duration of contract is always part of the bargain that is struck, and it affects all negotiations on both monetary and non-monetary issues. By legislating a further one or two years extension, the bargain that was already made becomes violated. This is a further aspect of the blatant unfairness of this legislation.

## Removal of Collective Bargaining Rights

We've already discussed the economic injustices which this Bill perpetuates. We now turn to the more general aspect of its effect on collective bargaining. The right to free collective bargaining is one of the basic rights in a democratic society. The manner in which a Government treats this particular freedom is a barometer of how safe are any of the freedoms we enjoy.

Bill 179 not only restrains wages but removes the right to bargain on any matters in the collective agreement, monetary or non-monetary. This certainly goes well beyond even the stated purpose of the legislation. There are many non-monetary issues which go to make up a collective agreement, including some of the following:

- Job security
- Seniority rights
- Job vacancies, transfers and promotions
- Layoffs, Recalls
- Scheduling and assigning of work
- Restrictions on contracting out
- Union representation
- Leaves of absence (unpaid)
- Grievance procedures
- Arbitration
- Discharge and discipline
- Checkoff of Union dues
- No discrimination
- Health and safety provisions
- Technological change



It is very difficult to see what interest the Government has in preventing negotiations on these matters. This has nothing to do with inflation but more to do with weakening the position of the Public Service Unions, and directly and indirectly the Unions in the Private Sector.

In the case of renewal agreements, the employees are compelled to work under language they may consider to be intolerable for at least another year and have no means of changing it.

It is true that Section 15 allows the parties to voluntarily amend non-monetary matters. However, stripped of the right to strike and even of access to arbitration, no Union has any means of resolving any impasse in bargaining. There is simply no real right to bargain if there is no way of resolving any impasse.

In the case of first collective agreements, it is uncertain at this point whether employees will even have a way of achieving a collective agreement with the legislation as it currently stands. Once again with no right to strike or to arbitrate, there is really no means of bargaining at all. The Bill really appears to remove any meaningful role for the Union as bargaining agent. It certainly is designed to make far more unlikely the possibility of organizing the unorganized.

#### Some Specific Problems

##### The Bill Does Not Allow Even 5%

The Bill appears to allow increases of 5%. But this is deceptive. The Bill freezes the entire "Compensation Plan" but

allows a 5% increase only on "Compensation Rates". In other words the 5% is based strictly on the wage rates which form only a portion of the total compensation package. In terms of total compensation which an employee receives, the actual increase is much less than 5%.

Assume that health and welfare benefits, premiums, vacations, pensions and other monetary parts of the package total 33% over and above direct wages. In such a case a 5% increase in wages will be closer to 4% of total compensation.

During the Anti-Inflation Board years (1975-1978) certain percentage increases were allowed over total compensation. In this case, however, by freezing total compensation but allowing the increase only over wage rates, the employees are hit with a double whammy as the 5% wage increase turns out to be less than five per cent.

#### Procedural Unfairness

Not only is Bill 179 ill-conceived, harmful, and inequitable -- it also suffers from gross procedural unfairness. The Inflation Restraint Board has wide and sweeping powers. It can do the following:

1. It has full discretion to determine the allowable wage increase (with no guidelines whatsoever) in a case covered by Section 10(b) (which applies where the previous compensation plan expired prior to October 1, 1981).
2. In the case of a collective agreement which expired prior to October 1, 1982, but after October 1, 1981, Section 10(a) comes into play allowing for an increase

of NOT MORE THAN 9%. It therefore appears that the Inflation Restraint Board can order a wage increase anywhere between 0% and 9%.

3. The Board has the discretion to decide whether an employee is entitled to get even the \$1000 per year increase designed for the most low paid employees or something less.
4. The Board can decide on the value to be placed on any items or conditions of a compensation plan.
5. It can also determine what is monetary or non-monetary. It can reject any agreement or compensation plan brought before it.

The Inflation Restraint Board can do all of the above without giving the parties a hearing and is not required to give reasons. This violates the most basic principles of procedural fairness that we have grown to expect in a democratic society.

Moreover the nature of the Inflation Restraint Board itself gives workers every reason to believe they will be dealt with shabbily. It is a totally controlled creation of the Cabinet, and the Government establishes the appointments on the Board and their terms of office.

We turn now to some of the specific concerns of three of the Unions affected by this Bill.

HEALTH, OFFICE AND PROFESSIONAL EMPLOYEES

The majority of employees represented by Health, Office and Professional Employees work for private Nursing Homes. As Nursing Home employees, they are among the lowest paid workers in the public sector. All will be severely hurt by this Bill.

Some Homes have been recently organized and have yet to conclude negotiations on a first collective agreement.

Mapleton Manor in Listowel was organized early in 1981. The present rates of pay fall between \$5.50 and \$6.00 per hour (under \$12,000 per year).

Sweetbriar Nursing Home in Stayner was organized in the summer of 1982. Their present rates of pay fall between \$4.00 and \$5.00 per hour (under \$10,000 per year). There are no fringe benefits at all.

The employees in both Homes will be restricted to minimal increases, no fringe benefits, and perhaps even prevented from bargaining a collective agreement.

The situation of those Nursing Home employees with existing collective agreements is also very bleak.

Coleman Health Care Centre in Barrie will be subject to a wage roll-back. The Union signed a collective agreement with that Home covering the period from February 1, 1982 to December 31, 1983. As part of the bargain, the Union accepted a lower increase in the first year, with a further two-step adjustment in the



second year of the collective agreement. These employees were formerly earning little more than the minimum wage. The rates of the Basic Aide were brought up to a scale of \$6.10 to \$7.10 per hour effective August 1, 1983.

The effect of the Bill will be to reduce that figure to approximately \$5.58 to \$6.58 per hour (if the \$750 minimum annual increase is allowed) or \$5.71 to \$6.71 (if the discretionary \$1000 increase is allowed).

Moreover, the Union is penalized for negotiating a multi-year contract, and for being willing to defer wage increases to the latter part of the contract to reduce the cost impact on the Employer. Now the Bill will remove a large portion of that deferred increase.

Kentwood Nursing Home in Picton will be subject to a one-year extension following the expiry of their collective agreement on September 30, 1983. At the time this Bill was introduced in the House, the Aides in this Home were earning between \$4.75 and \$5.10 per hour. By the time the collective agreement expires they will still be earning only between \$5.70 and \$6.40 per hour. At this time they will be limited to a further one year increase of 38¢ per hour (based on \$750 per year) or at most 51¢ per hour (based on the \$1000 figure).

These are only a few of many similar examples. Nor is this Union in a unique position. Nursing Home workers organized by other Unions such as Canadian Union of Public Employees and

Service Employees International Union also require significant catch-up increases to come in line with the still modest wage rates existing in the rest of the Ontario Health Care Sector.

At present Nursing Home employees do not have the right to strike but instead are required to go to interest arbitration under the Hospital Labour Disputes Arbitration Act if negotiations fail. In the absence of this Bill, these very low paid Nursing Home workers would at least have the possibility of receiving wage awards which would bring them more in line with the bulk of organized Nursing Home workers.

But Bill 179 will destroy any such possibilities. Even the particular features of the Bill which are supposedly designed for low paid workers (such as the mandatory \$750 annual minimum increase or the "discretionary" \$1000 increase) will still provide only a token increase for these employees.

#### Health and Welfare Benefits

Aside from its concern over wage roll-backs and token wage increases, this Union is also concerned about the effect of this Bill on its Health and Welfare Plans. Many of these employees are covered by the Commercial Workers Group Insurance Plan, a plan which is administered by the Union and to which Employers pay a portion of the premium as a benefit under the collective agreement.

In many cases, increased premiums are required not to improve the level of benefits but to alleviate poor experience

under the Plan. Because of the extension of existing collective agreements, the Union is concerned that the required premium increases may be prevented from coming into effect. Alternatively, the Union is concerned that part of the minimal wage increases allowed under the Bill will be applied to cover these premium increases without improving Benefits at all.

This concern over increased premiums required for Benefit Plans is shared, of course, by all Unions. The level of premiums charged by the Government under the Ontario Health Insurance Plan, for example, is not limited by the 5% guidelines. When O.H.I.P. increases go into effect, thereby increasing any premium costs paid by the Employer, is this to be deducted from the 5% wage increase? These are further anomalies which are most disturbing to this Union.

CIVIC INSTITUTE OF PROFESSIONAL PERSONNEL

The 500 professional personnel represented by this Union include nurses, engineers, architects, lawyers, accountants, and social workers. They have two collective agreements, one for employees of the Ottawa-Carleton Regional Health Union and the other for employees of the Cities of Ottawa and the Ottawa-Carleton Regional Government.

Although these employees come under the Ontario Labour Relations Act with its right of strike and lockout, both collective agreements provide in the event of disagreement in negotiations that the parties will resort to binding arbitration.

Limits on Increments

It is the practice with many employee professionals that they do not receive their job rate except after service of several years with the Employer. In the case of the Civic Institute of Professional Personnel, it takes up to six years to achieve the job rate level. Increments are given up to this level in annual steps of about 3% to 4% per year. Under the legislation, which disallows increments which pierce \$35,000 per year, a number of these employees would be required to give more years of service before achieving their agreed upon job rate. In effect, therefore, the allowable 5% increase hardly does more than keep them standing still since they are denied an almost equivalent increment.

Secondly, this Bill causes anomalies as between employees.



An engineer who reached his job rate (after six years) prior to September 21, 1982 may work beside one whose sixth anniversary does not occur until December, 1982. Yet the latter employee is prevented from achieving the same job rate. For how long? Does he get his job rate when the extended contract expires on December 31, 1983? Or will he have to wait until his next anniversary date in December 1984? If the answer is the latter, then the second engineer may have to wait eight years rather than six years to achieve his job rate on the same job.

#### Merit Pay

This collective agreement provides for bonus pay to recognize an employee who provides exceptional service in a particular year. The bonus payment is equal to 5% of the employee's regular earnings for the year, and only employees who have been at their job rate for a minimum of one year are eligible. The effect of the legislation cancels such recognition of merit for exceptional service. This is yet a further inequity.

#### Automobile Expenses

Certain of the employees are required to use their own motor vehicles on business for the Employer. It is intended that they be reimbursed for the costs of operating these vehicles. Car mileage is not a benefit but is rather a repayment for out-of-pocket expenses incurred for the Employer. The legislation appears to prevent the adjustment of car allowance to reflect the increased price of gasoline and other expenses.

It is very obvious that if car allowance is frozen while car expenses increase, the employees will actually be subsidizing the Employer. That additional cost of driving one's automobile for the Employer will simply come out of the 5% wage increase. It is a wage cut.

#### Dental Plan

Normally Dental Plans are provided such that the insurance company will reimburse the employee based on some scale of Ontario Dental Association rates. In some agreements, there is a clause whereby the Company will provide coverage based on current O.D.A. rates as such are amended from year to year. In such a case, every year as O.D.A. fees become higher, the Plan changes to cover the increase and the premium costs increase as a result.

In the Civic Institute of Professional Personnel agreements, the O.D.A. fees are tied to the 1982 calendar year, and the benefit will remain fixed until it is renegotiated.

The Bill extends the collective agreement throughout 1983 and therefore will limit the repayment of dental expenses to 1982 O.D.A. rates. The Dental Plan will remain frozen providing benefits in terms of an O.D.A. scale which will become more and more out of date as time passes.

Dental costs continue to increase but because the benefit is tied to an old plan, the employee must pay a greater and greater percentage of the cost out of his/her own pocket. This is one further way in which the 5% increase really turns out to be a great deal less than that. It is another wage cut, again to the benefit of

the Employer.

Finally, with respect to Section 15 of the Bill there is little confidence that the Employer will engage in any serious discussions on any non-monetary changes that the employees consider desirable.

OFFICE AND PROFESSIONAL EMPLOYEES  
INTERNATIONAL UNION

The Office and Professional Employees International Union represents office and clerical employees in a number of industries across Ontario. There are approximately 1500 members that are in the public sector who are affected by this Bill.

The difficulty in organizing white collar workers is well known in the Labour Relations community as is the task of negotiating a first collective agreement. This Bill could have the unfortunate result of making these difficult accomplishments impossible. The rights employees have to organize themselves into Unions will be severely curtailed.

Newly organized members of the Office and Professional Employees International Union at the Hamilton-Wentworth Children's Aid Society will feel the brunt of Bill 179 if it is proclaimed. These office and clerical employees joined the Union in March, 1982 and after a difficult set of negotiations reached a first collective agreement for a two year term. Recognizing the low wage rates paid to the employees (average of \$12,000) the parties negotiated a wage increase in the first year and agreed to a wage re-opener clause in the second year. This was done because both the Union and the Employer were aware that the second year increase would have to be substantial and that negotiations would have to take place to arrive at an acceptable figure. Because of the co-operative approach that the Union and its members took in spreading out the first collective agreement over two years instead of bringing



their low wages up all at once, they will be penalized by a 5% increase.

The inequities of this Bill are obvious in first collective agreements as there are no provisions for any consideration of this fact.


Another example of the inequities fostered by this Bill is to be found in the case of the Kapuskasing Board of Education. In this collective agreement covering office and clerical employees it became apparent that there were some anomalies in the rates paid to certain classifications. The parties agreed to a resolution of this problem by making adjustments to wage rates in certain classifications. This was to be staged in over the term of the collective agreement (November 1, 1981 to October 31, 1983). This Bill will scuttle the solution that the parties have arrived at to solve this problem. The purpose of this Bill is surely not to hamper the resolution of longstanding anomalies such as this.

This Bill also fails to recognize that in many parts of the public sector patterns emerge and are followed by related groups. The Smooth Rock Falls Hospital employees represented by O.P.E.I.U. are very aware of this. When their collective agreement expired on March 31, 1982 they were receiving substantially less than employees in other Hospitals in the surrounding area. Both the Hospital and the Union had recognized that a solution to this problem was needed and were in the process of attempting, through negotiations, to arrive at comparable wage rates when this Bill was announced. The Bill will not

only stymie efforts to bring the employees' wages in this Hospital into line with others in the area; it will widen the gulf even further because of the application of a percentage increase. These employees will be further out of line with other Hospital employees when they emerge from controls in 1984. How can the Government justify a Bill that not only maintains but worsens such inequities for these workers? The Government seems to assume that every collective agreement in Ontario is in a correct relationship with others. This is not necessarily the case as this example and others show.

The Government should also not lose sight of the fact that this Bill hurts those most who can least afford it. The 90 members of O.P.E.I.U. employed in office and clerical positions by the Hamilton Board of Education are an example of this. A large number of these women are sole support mothers who are attempting to raise a family on the salary they receive. As is typical of many women's occupational groups, their average salary is only \$275 per week. In addition to these, there are those whose husbands are on layoff. Hamilton has been hit heavily with layoffs and as their husband's Unemployment Insurance benefits run out, the number of women who are supporting their families will be increasingly well beyond the 20% it now totals in the group. We ask this committee how many of you could support your family on this salary?

Recognizing these problems the Union was in the midst of negotiating a new collective agreement to replace the one that



expired on August 31, 1982. These negotiations have been rudely interrupted by the announcement of Bill 179. As Bill 179 stands now, these employees along with many others will be grievously and unjustly wounded. In the main, only the Employers and their friends will benefit.

#### CONCLUSION

In conclusion, Bill 179 is a deadly attack on the basic rights of public employees. Its true purpose must be to make scapegoats of public employees and to make their Unions as weak as possible. We strongly urge that this Bill be withdrawn or defeated.

Submitted by:

William Walsh

Larry Robbins

Guy Beaulieu

Brian Switzman

SUBMISSION TO:

The Standing Committee on  
the Administration of Justice

concerning

Bill 179.

Officer Services Workers,  
Ontario Public Service Employees Union

It is with pleasure that I come before you this evening to address this Committee on Bill 179 and tell you how it relates to me and the members whom I represent in the Ontario Public Service.

As honest, law-abiding citizens of the Province of Ontario we have come to expect that we will be treated in a like manner by our employer, the Province of Ontario through the Management Board of Cabinet.

We have, in the past, been surprised when our expectations for honest, fair and just treatment at the hands of our employer have not materialized, but never did we expect to be subjected to such blatant discriminatory action by the employer as we saw on September 21, 1982.

As a member of the Office Services Negotiation Team I worked long, hard and diligently to reach a negotiated settlement, albeit at the Mediation level, with my employer. Believing my employer, the Province of Ontario, was a fair, just, honest and trustworthy employer I signed, in good faith, a contract for a two (2) year wage agreement, assuring the members whom I have the honour to represent, of a 12.5% wage increase in the calendar year 1982 and a further 11.5% wage increase in the calendar year, 1983. Our Negotiation Team is very cognizant of the fact that the lowest and most poorly paid of all Provincial Public Service Workers are the Office Service Workers employed by the Crown. We negotiated a two (2) year contract as protection for the members against the ever-increasing inflation rate in this Province. We are fully aware that our members at the lower end of the pay scale have a very difficult time, indeed, in merely subsisting on their wages. We are also very appreciative of the fact that many members in our category are single parents, supporting on the average 2.3 children, attempting to give them the minimum social advantages and still trying to make ends meet on wages that are below the poverty line as established by the Ministry of Community and Social Services in the very province where we live and work. To this end we felt that a guaranteed wage increase in 1982 and 1983 would provide a measure of economic security for our members and

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permit them to plan, with some measure of responsibility and assurance, for their 1983 year. We now find that the Government of Ontario has taken a unilateral decision to not only strip them of the contract that they approved in all good faith but to roll-back their wages by 6.5% on the 1st day of January, 1983 and provide them with no avenue of appeal other than to a 1-man Board appointed by the Conservative Party in this Province. We feel that this is not only unjust but indicates a contempt for the very employees of the Public Service that are the lowest paid. Not only is this unjust it is the most blatant type of discrimination seen in this Province in many years. It discriminates not only against one sector of the Public Service but against women who make up the majority of the workers in the Office Services category. This is a despicable act perpetrated on the members of the Public Service who can least afford to lose their wages. This loss of purchasing power will not only do nothing to improve the economic climate of this Province but will deprive the members, and their children, of the basic necessities of life, much less enable them to provide a minimum of social advantage for their children.

Please do not echo the statement of Premier Davis who said in the House of Parliament of this Province on September 21, 1982 that public service workers enjoy a greater measure of job security than do private sector workers therefore they would not be harmed to any great extent by these wage restraints. While he was talking out of one side of his mouth in the House making this statement he was talking out of the other side of his mouth with the Minister of Community and Social Services and knew full well that the plans were well on the way to close institutions for the care and treatment of the mentally retarded in this Province, and plans were being made to end the jobs of 1,163 public service workers with the closures. The Government of this Great Province states that we are a province of opportunity, what kind of opportunity?

is also a feeling amongst workers in this province that the Government of Ontario is an "equal opportunity employer." Well, I would like to tell you that this is not so. On one hand the Civil Service Commission sets standards that include a minimum grade 12 education for members whom they recruit into the Office Services Category and tell them that their skills are only worth \$266.30 per week, despite the fact that in this day and age most workers so recruited have at least 1 year post-secondary education. In my own specialized field, as a Medical Secretary, staff are hired only with 2 years post-secondary education, yet on the other hand the same Branch of the Government hires parking lot attendants with a grade 8 education and pay them \$337.20 per week at the entry level. This is equal opportunity? I think not. Neither can it be covered up under the guise of the other Government slogan in this Province of equal pay for work of equal value.

I note with no surprise that while the lowly Public Service Worker is having his or her wages rolled back in the case of Office and Clerical Workers, or limited in the case of other members of the Public Service nothing has been done to limit the increase of O.H.I.P. premiums which rose by an unprecedented 17% on October 1, 1982. The statement from the Office of the Premier and the Office of the Provincial Treasurer was that O.H.I.P. premium increases had been set in place one month before the enactment of Bill 179. Well, I tell you gentlemen that I personally negotiated and signed a memorandum of agreement for a 2 year wage contract with the Province of Ontario in March 1982, which was a full 5 months before the O.H.I.P. raise was set in place but my wages are being rolled-back nevertheless. I consider this unjust, discriminatory and an example of the contempt that the Government of this Province has for its workers. Furthermore, the Government of Ontario extended their 7% increase in sales tax on personal care items this year and I don't note that this is being rolled-back, despite the fact that this was done

I was also not surprised to note that the Minister of Health, the Dishonourable Larry Grossman went with cap in hand to the Ontario Medical Association to "request" that they "consider" rolling back their negotiated wage agreement to bring it into line with the dictates of Bill 179, if they would be so kind. It is too damn bad that somebody hadn't asked the Office and Clerical Workers of this Province to "consider" rolling back their wages "if they would be so kind." We didn't have a choice and I feel that this is a discriminatory position on the part of the Government. Over 70% of the physicians in this Province are opted-in physicians with O.H.I.P. which is provincially funded and they are, therefore, quasi-public servants whether they like to admit it or not. Therefore, they should be limited in their wage increase to the same amount as public service workers. I understand that on Tuesday of this week the O.M.A. stated that they would not comply with the Government's wage restraints as they feel that for the past several years they have lagged behind the inflation rate. Well, as a 23-year employee of the Crown I can tell you that I have never had a wage that kept pace with inflation yet the Government of Ontario, in their misguided wisdom, have seen fit to not permit me to make a decision as to whether I wanted to accept a wage increase that is far behind the cost of living.

I note, as well, that the Ontario Hydro is increasing their fee structure to people in Ontario by 8.4%, despite the Premier's statement that charges under Crown Corporations and Crown Agencies would not be raised more than 5%. This coupled with a projected increase in Unemployment Insurance deduction payments of approximately 75% to 100% on January 1st, 1983, and the roll-back in wages for Office and Clerical Workers means that those workers in this province who can least afford to pay are going to suffer a cut in real wages effective January, 1983.

There is an old adage that a man's word is his bond. If you proceed to permit this restrictive legislation to be introduced into fact in Ontario you are proving to the employees of the Office and

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Clerical Services that the word of the employer, the Crown, is no good and that a signed contract, with the signatures of top officials of the Civil Service Commission is not worth the paper it is written on.

If you as leaders of the Government in this Province permit this rape of the pay packets of Office and Clerical Service Workers to proceed, as outlined in the Premier's speech to the House on September 21, 1982, you are merely perpetuating a discriminatory position on the part of the Government against the poorest paid workers in the province, proving that the Province of Ontario is an untrustworthy employer and not to be believed.

If such a thing happened in the private sector, where an employer ignored a signed contract the Ministry of Labour would lay charges under the Labour Relations Act in the Province, however, as employees of the Crown we are not permitted to proceed with such litigation and it is your responsibility to not only uphold the contracts as signed and to be seen as a fair, equitable and honest employer but to be the same.

Thank you.

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE  
INFLATION RESTRAINT ACT  
THURSDAY, OCTOBER 28, 1982  
Evening sitting





# Wage Controls: The people speak up

Excerpts from presentations to  
OPSEU's regional forums  
on wage controls October 23, 24, 1982



Ontario Public Service Employees Union



Less than two weeks ago, OPSEU appeared before the Committee with a position which was completely opposed to Bill 179. We have not changed our position.

In the short time allotted to it, the Committee has heard briefs from over a hundred organizations, representing a broad political spectrum and every walk of life. The overwhelming majority of those concerned enough to appear before the Committee have been against controls on the wages of public employees.

The proposed legislation convinced us more than ever that the government was out of touch with the grim economic reality faced by the people of Ontario. Unemployment -- or the fear of it -- is keeping hundreds of millions of dollars out of the economy. While the government throws a few bandaid job creation programs as scraps to the unemployed, it sits back while the number of people out of work doubles in one year. Surely the government cannot offer wage controls as a remedy for our number one economic crisis: unemployment.

The proposed legislation convinced us that the government discriminated against women workers. While the chairman of the wage restraint board will be allowed to make up to \$70,000 per year, the lower-paid office employees,

the overwhelming majority of whom are women, have their signed contract torn up and a wage cut (when the effects of inflation are considered) imposed. Wage controls will solidify the existing unfair wage gaps between men and women who perform work of equal value. The government insulted the lowest-paid with minimum wage increases that were only pennies above the five percent limit. Surely wage controls cannot offer a solution to sexual inequality in the government's own workplace.

The proposed legislation virtually robs union members of their rights to free collective bargaining. It violates international standards and the new Charter of Rights. It demeans the role of unions in the workplace.

We believed, less than two weeks ago, that the government simply did not care about the advice its ordinary citizens gave it. It has ignored the needs of the great majority of people in Ontario. Instead of measures that will help the economy and put Ontario back to work, the Davis government gives us wage controls.

In order to at least put on record the opposition from ordinary men and women across the province to wage controls, OPSEU held its own series of public forums last weekend, at which we received over 200 briefs from concerned citizens. Although all MPPs were invited to attend the forums, none from the Conservative Party did. The other two parties are acquainted



with the results of the forums, since their Members did attend one or more of the meetings. In particular, we appreciated the good attendance from New Democratic Party MPPs, who showed that they were willing to listen to the ordinary people of this province.

In order that we may further document the opposition of the people of this province to the half-baked, depression-era economic policies being foisted upon us by the Davis government, we are presenting the opinions of some of the people who appeared at our forums.

EXCERPTS FROM BRIEFS

PRESENTED TO THE OPSEU

PUBLIC FORUMS

Diane Gauthier  
Local 630, OPSEU  
North Bay

Let me tell you a little about Diane. She is a 30-year-old woman who, through unfortunate circumstances, now finds herself alone to raise a three-year-old daughter. She is their sole support. She is a Clerk 3 General employed by a ministry in Sudbury. Her net take home pay is \$234/week.

Diane was elated when she learned of the two-year agreement reached by the Clerical Services category this year. It meant that she could breathe a little easier - it has been very difficult coping from payday to payday, with rent to pay, food to buy, and a sitter to pay. Maybe, just maybe, she would be able to manage a little better.

She is a very meticulous person - she figured out a projected budget for 1983 and found that indeed she should be able to manage, with very few frills, but nevertheless, manage. She had a real sense of pride that she would at long last be able to provide a modest, but decent, living for her daughter and herself. Then came the blow. She hears that her raise is going to be rolled back to 5%. "How is that possible?" she cries with dismay. "We have a SIGNED CONTRACT". All of her personal plans are now shot. The money she so desperately counted on is ripped out of her hand before she has had a chance to see it! And she feels betrayed.

Quickly her dismay turns to fury as she learns that not only has she been "shafted" in the pocketbook, to add insult to injury, she is being BLAMED for the economic woes of this country. She, as a civil servant, is RESPONSIBLE for the mess the country is in - not the big corporations, not high interest rates, but HER!

There are countless women in this province who are in the same situation as Diane. They are not statistics - they are REAL people, with REAL hardships to face if this law is passed.

Muriel Ethier, Local 628, OPSEU  
North Bay

We have two categories "Office Services and Clerical Services" with a two year contract covering the period of January 1st, 1982 to December 31, 1983.

These contracts were negotiated in good faith and ratified by the membership. When both parties signed these contracts, we the unsuspecting employees did not for a moment think that these contracts were not binding, that these contracts could be legislated away.

We also have an arbitration award for our 'Working Conditions' and 'Fringe Benefits', what has happened to this award, will it also be dissolved?

Now define the word "trust", clearly this legislature has not looked into all aspects and ramifications of "Bill 179".

How can we as Canadians in return trust you?

Is there nothing sacred, are our signed contracts not binding?

When you made your promise to us, were you not sincere?

Local 643, OPSEU  
North Bay

Collective bargaining, as the public sector unions know it, is now a dead issue. The right to binding arbitration is now lost, as is the right to strike - the last choice a Union has to achieve a satisfactory agreement. In short, the Ontario Labour Relations Act, and the Crown Employees Collective Bargaining Act have now become obsolete pieces of legislation, and collective bargaining, a cherished right in our free society, is no more.

It is not too long ago that this same Ontario Government signed an agreement with this Union covering pay increases for its employees. Now this trust has been broken, as wages in one category are to be rolled back by some 6%. The loss of these earnings only means less money to spend which affects the purchasing power of the individuals. The loss of this purchasing power will only mean further layoffs in industry and the bankruptcy of small businessmen.



Fred Nice  
North Bay

I wish to begin by saying the bill will hurt three others, plus myself; namely, my wife and two children. Our purchasing power will be very much limited and we will surely suffer. Give me 5% with the prices increasing by 10%, how do I keep up?

When I began employment in the late fifties, I did not have "collective bargaining" but "collective begging". We will return to this method because of this legislation and this is totally unfair.

May I point out that I was raised to respect a man's word or a handshake. But Premier Davis is on record as recognizing the unfairness of picking only on public servants to rectify the poor economic situation. If he is so concerned, then WHY Bill 179?

Bill 179 hits the low-paid workers, i.e. clerks, stenos, unskilled tradesmen, and the list could go on and on. As an example of this restraint program in the OPS, clerks and stenos face a rollback of a signed agreement, from 11% to 5%, for an average loss of \$1084 for each employee. Please Note: A great percentage of these people are single, single parents, or widows. Is that fair?

Bill 179 does something for me that I don't need. I'm the bad guy in my community. I'm the cause of the economic problems that are upon us. Now I'm singled out and because of the press regarding wage controls, I as a public servant have caused all the problems.

May I ask this question, "How am I going to pay for professional services if those services are increased 10% this year and next, when my increase could be anywhere from 0% to 5% depending on other factors, i.e. fringe benefits.

Lisa Miller  
North Bay

Bill 179 will effectively taken away this right. Not only will our "compensation" be determined for us for the next contract, but the employer is in no way compelled to even negotiate non-monetary items. This is an outright attack by the government on our legal rights as unions. We live in a democracy where certain rights are supposed to be guaranteed. Are any of them now really guaranteed? What rights will we lose next? Is this just the beginning?

85% of LUSSA members are female and the majority of them make less than \$15,000 a year. We are trapped in pink-collar job ghettos where we have traditionally been and still are underpaid. The \$750 minimum increase in compensation for the next year is not adequate in these inflationary times.

David R. Doyle  
North Bay

We believe that wage controls are at once discriminatory, punitive, repressive and generally bad legislation.

It is discriminating in that it will have a heavy impact on women. Using the Federal Government as an example, we find that the concentration of women is in low-paying positions. The Annual Report of the Public Service Commission shows that 69.7% of female public employees make under \$20,000. Further, Statistics Canada reports that in 1980, women earned an average of \$8,242 while men earned an average of \$16,747. What does this mean in practical terms? For clerical staff who are primarily women, they will lose \$3,630 under the Federal Wage Restraint Program. It is also discriminatory because the suspension of bargaining rights in our case freezes all contracts for 2 years. This means that those issues of special concern to women will not be addressed. Such issues are:

- 1) maternity leave for stenographers, typists, data processors and librarians
- 2) health and safety issues, dealing with VDT's, asbestos and PCB's
- 3) sexual harassment in the workplace.

Ann K. Burns  
Nipissing Women Teachers' Association  
North Bay

While teachers admittedly are not in poverty, the government is discriminating against the teaching profession as part of the public sector. In fact, teachers' salaries have not been a contributing factor to inflation. The purchasing power of their salaries has declined alarmingly in the past few years.

Statistics, over the last seven years, reveal that twenty-five School Boards have never negotiated agreements as high as the CPI in those years. As well, thirty-six Boards have only reached the CPI once in those seven years. In other words, sixty-one of seventy-seven Boards have not kept up with inflation. Therefore, we reiterate that teachers have not been contributing to inflation.

These controls particularly affect people in lower paying positions, many of whom are women.

By restricting the restraints to the public sector, the government is discriminating against some of the lowest paid wage earners in Ontario. Many of the positions affected are held by women who are already far behind men in earning power. Wage restraints will only serve as a deprivation to those who are already barely existing at this time. At the same time, the gap between privileged and under-privileged, is being widened.

While this legislation addresses wages, the limitations on prices are inadequate.

Mr. Davis has limited wages but, at the same time, the limitations on prices are unrealistic. The controlling of such things as tuition fees affects a small percentage of the total population. Essentials such as food, fuel, gasoline and mortgages continue to escalate astronomically. These necessities affect the total population. Mr. Davis does not address these issues. Bill 179 is an intrusion into wage issues without compensation in prices. We feel this is not dealing with inflation efficiently.

We are particularly concerned about women in low paying positions, widows, single parent families, people on fixed incomes and the unemployed. What intervention is the government prepared to offer to help these people cope?

Cheryl Cardwell  
Marian Beauregard  
North Bay Women's Resource Centre  
North Bay

North Bay has a very high percentage of single parents, most of whom are women. These women try to support families on low wages in jobs that offer little chance of advancement. The effect of wage controls is to increase their relative poverty and create strain in the family. Often these women give up trying to support themselves and return to the welfare rolls.

Lack of money over the bare necessities of life causes a depressing effect of the total economic base of the community. It causes less spending, which creates higher unemployment, which causes more women to be laid off. Many women who work in shops or part-time sales jobs are particularly affected because their commissions are drastically cut. Those who work part-time to help supplement low family incomes are finding that they must work long hours to make less sales.

Wage controls do not guarantee that the cost of living will not increase. For those women living on fixed pensions and other fixed incomes, there is no advantage to wage restraints. When other sectors are forced to live on less, these women are often expected to do so as well.

Perhaps the most blatant example of the mentality of wage restraint was expressed by Russ Ramsey, Minister of Labour for Ontario, when he stated that the economy could not afford to give women equal pay for work of equal value. This has long been a form of discrimination against women and we cannot accept that the economic state of Canada should make this injustice acceptable. If women have ever needed equal pay for work of equal value, it is now. The economic recession is no excuse to ask us to abandon this goal.



Heather Murray  
Local 636, OPSEU  
North Bay

As a member of the Office Services Negotiation Team I worked long, hard, and diligently to reach a negotiated settlement, albeit at the Mediation Level, with my employer. Believing my employer, The Province of Ontario, was a fair, honest, just and trustworthy employer I signed, in good faith, a contract for a two (2) year wage agreement, assuring the members whom I have the honour to represent a 12.5% wage increase in the calendar year 1982 and an 11.5% wage increase in the calendar year 1983. Our Negotiation Team is very cognizant of the fact that the lowest and most poorly paid of all Provincial Public Service Workers are the Office Service Workers employed by the Crown. We negotiated a two (2) year contract as protection for the members against the ever-increasing inflation rate in this Province. We are fully aware that our members at the lower end of our pay scale have a very difficult time, indeed, in merely subsisting on their wages. We are also very appreciative of the fact that many members in our category are single parents, supporting on the average 2.3 children, attempting to give them the minimum social advantages and still trying to make ends meet on wages that are below the poverty line as established by the Ministry of Community and Social Services in the very province where we live and work. To this end we felt that a guaranteed wage increase in 1982 and 1983 would provide a measure of economic security for our members and permit them to plan with some measure of responsibility for their 1983 year. We now find that the Government of Ontario has taken a unilateral decision to not only strip them of the contract that they approved in all good faith but to roll-back their wages by 6.5% on the 1st day of January, 1983 and provide them with no avenue of appeal other than to a 1-man Board appointed by, responsible to, and no doubt a strong supporter of the Conservative Party in this Province. We feel that this is not only unjust but indicates a contempt for the very employees in the Public Service. So much for being a Province of Opportunity. This is a despicable act perpetrated on the members of the Public Service who can least afford to lose their wages. This loss of purchasing power will not only do nothing to improve the economic climate of this Province but will deprive the members and their children of the basic necessities of life, much less enable them to provide a minimum of social advantage for their children.

Bob Whitworth  
Local 635  
North Bay

Bill 179 shows:

- (1) That the Government of a free, democratic province in a free, democratic country, can decide to eliminate collective bargaining for a period of time. it matters not for how long a time - only that it is contemplated. Free collective bargaining is the cornerstone of unions in their negotiations with the employer. That the Government is going to life this right is comparable to outlawing unions in a communist country such as Poland.
- (2) That the Government has no honour when it arbitrarily decides to destroy two year contracts signed in good faith. This portion of the Act affects office and clerical service workers the most as these bargaining groups had settled two year agreements. These groups are the lowest paid categories to begin with and are primarily composed of females. Thus, the Bill not only is discriminatory to public sector employees as a group, but especially to women employees.
- (3) That the right to strike, which was given to certain segments of the public sector, is lifted, and no other course of action is allowed.
- (4) That there is no recourse to a decision made by the Board. This creates a serfdom whereby we are victims of a decree from on high and we dare not, cannot, question this decree.
- (5) That the Government is reacting to public opinion which favours wage controls, knowing full well that wage controls, especially such limited wage controls, do not work.
- (6) And last, but not least, that I estimate I will have \$1,500. stripped from any salary increase I could negotiate. A staggering figure, \$1,500., one which will cure all the ills of our economic plight.

Wayne Campbell  
Local 625, OPSEU

My members had anticipated a wage increase close to the inflation rate in the contract year 1982-83. Instead they find their current contract extended by 12 months, with only a 5% increase in wage benefit compensation. They are all too well aware that Bill 179 strips each of them of approximately \$1,200.00 raise that they had expected to receive. This \$1,200.00 loss should be seen as a reduction in purchasing power, which can only result in a loss of jobs. While this figure alone may appear to be insignificant when it is applied to some 500 million dollars loss in purchasing power.

My members reminded me of the time Premier Davis spoke out against the outlawing of the Polish Trade Union movement Solidarity. He said, at that time, he felt it was the right of every trade union to bargain better benefits, wages and working conditions for its members. Well, I guess, that is good enough for Communist Poland but not here in "Democratic" Ontario. You see, Bill 179 removes not only the right to strike but also the right to negotiate. Even the right to a hearing before an Arbitration Board has been removed. You show me the justice and democracy as displayed by Bill 179, if you can.

Local 630, OPSEU  
North Bay

Within our Local, the lowest paid employees are in the Office Services and Clerical Services categories. Thirty-four of our members fall within these areas. Of these, 5 are single, 5 are single parents, and 11 have become the primary household breadwinners as a result of Inco and Falconbridge layoffs.

These 21 workers (20% of this Local) are already waging the most difficult battle with the recessionary economy. Now the government is refusing to pay them increases won in a fair two-year contract. Instead of the guaranteed 11% increase in 1983, these people will be limited to a mere 5%.

We, the members of Local 630 do not feel it is fair that these workers, some of whom suddenly find themselves in primary breadwinner positions, some of whom are single parents and have burdensome day care and babysitting financial commitments, and all of whom already fight inflationary prices armed with less money than anyone else in the civil service, should be called upon to make further sacrifices by carrying the government's major load in its faulty economic recovery program.

Wayne Pierce - Simcoe & District Labour Council  
Public Forum on Wage Controls - Hamilton

Workers have been doing more than their fair share. Workers in this country have fallen from second to seventh place in wages paid in the major industrial countries. There is no guarantee that controls on the public sector and the imposition of voluntary controls on the private sector will lower prices. The problem with our economy is not that wages are too high. It is rather that enough people do not have the money to buy the goods and services the country produces. The placement of wage controls on the public sector means their already lagging salaries, which are behind those in the private sector, will be valued even less. It means that they will be able to buy fewer goods and services, which in the end means more job losses in the private sector.

Public sector workers are no different than private sector workers. The job security of a public sector worker is a myth. Security of a job in this province rates the same with both private and public sector workers. The Davis government has preached that public servants have to make concessions for their job security. Direct provincial employees are only 52,000 of the 500,000 that would be affected by the controls, or approximately 11%. The remainder are the teachers, that teach our children; municipal employees, who pick up our garbage, that plough our streets, maintain our parks, issue licenses. They are the employees that provide the public with hydro and service them in interruptions. All those services which the public takes for granted in its day-to-day life, are provided by these public servants.

Job security in the public sector is a myth. Municipal employees have been laid off; schools have been closed and teachers laid off; public utility employees have been laid off. Direct Ontario public servants, yes, have faced the same layoffs as industrial sectors.

In the area that I represent, as in the majority of areas in this province, a high level of unemployment is being experienced. In the Simcoe area, we are experiencing high layoffs by major employers. The unemployment level in



this area stands at 13%. A number of major employers have already decreased the work force. For example, American Can Industries, which have a work force of 400, have laid off 80 (20%) of its employees. Canwirco, which employs 200, has laid off 40 (20%) employees. Canvil, which employs 270, laid off 70.

The highest level of unemployment and layoff has recently occurred in the agricultural industry, which is the major economic base for the communities in this area. In August of this year, a killing frost devastated the tobacco crop and a number of vegetable crops. This has caused the early termination of several thousand agricultural workers. Not only are the farm workers affected, but the effects are being felt by related tobacco and vegetable industries, as well as local business. Though the growers will recover a good percentage of their losses, due to crop insurance, the farm workers are now on the unemployment and welfare rolls. Further curtailment of monies in the economic base of these communities, in this area, will naturally cause further layoffs and small business closures.

To bring together previous statements that we are fighting together in the area of concessions, job security and wage controls, employees have made concessions in my area with reduction of salary increases and the implementation of work sharing programs. For example, Canvil, which is represented by IAM, Local 1547, have agreed to a six (6) month freeze on their current cost of living allowance and will receive no other wage increase for the period of the agreement. A four (4) day work sharing program was accepted prior to this latest agreement, for the express purpose of preventing layoffs in their plant. Subsequent to the signing of this work sharing program, the workers of Canvil have witnessed the layoff of 30 fellow workers and have now voted to opt out of the work sharing program.

Terry Ducarme - OSSTF

Public Forum on Wage Controls - Hamilton

If anything there will be a negative impact on an already depressed economy. Thousands will have their wages controlled, or even rolled back. Millions of dollars in spending power will be taken away from local workers.

It is a basic fact of economics that one dollar spent, actually generates more than a dollar of spending power as it makes its way through the economy.

But the reverse is also true. A dollar taken out of the economy results in much, much more than a dollar lost.

Take this money away from local public sector employees. This is money not spent on cars, on appliances, on electrical goods, on clothes, on food, on houses. The results are decreased production, plant shutdowns, more layoffs in the private sector. The issue goes much beyond than the control of public sector wages. At work, as a result of Bill 179, are forces that will further depress the economy of Hamilton-Wentworth and Ontario.

Darlene Mosca - OPSEU (Local 216)

Public Forum on Wage Controls - Hamilton

I will explain a little bit what we are so you will know what I am talking about. We're a counselling service. When I say counselling, I mean family, individual, marital, separation, credit counselling. The roles that we take on many, many times are not just working with the families. We are seeing more and more stress, depression, violence, not just with spouses, but with children. We have a therapeutic daycare. The children that are in it are mostly there because they have come out of a high risk situation, which means abuse. Right now, what we are up against, maybe some of you can recall, we made front pages on October 18th, the Friday paper, we've already been told we are shutting down one week in November, a possible one in December. Again, it depends on the money that we might get between now and then. Our levels of money come 1) from the United Way. We're up against it when we see unemployment, wage controls because people are not going to give. That means that the United Way's target figure this year is going to be shortfalled. That means our budget will be shortfalled. And we're not the only service that is going to be affected. All you have to do is look at the list of them. These are the places that help all of your friends, your family, possibly some of you. Again our other form is government levels. We are getting the same story. We are out of money. How are we supposed to serve people who can't afford to pay for a service? Yes, for people that can, we do have a fee. But we are getting more and more that can't pay that fee. Yet, we are getting a greater increase in those needing help. We are seeing among us not only the fact that we're ending up short-staffed and that we're trying to fight for our jobs. We see jobs that have attritionally disappeared. What are we going to do with people that we are now seeing. "Yes we know you need help." (and I'm saying the public generally) "But I'm sorry, we'll see you in six or eight weeks." We are seeing an increase, the more the pressure is put on, and the financial pressure is one of the greatest, and that is exactly what we are seeing more and more of. It is going to carry over to greater violence, greater crimes, more depression. It's going to have a larger influence in that we need these human services and yet they are the very ones that are being cut back.

Jim Allen - Mohawk College Academic (Local 240)

Public Forum on Wage Controls - Hamilton

I believe that we must view this restraint programme for what it is, a way for the government to reduce its spending at the expense of a minority and a very vulnerable segment of the workforce, that is the public service. It is a pity that restraint wasn't shown when the government used funds to buy Suncor. I think we could have used those in a much more beneficial and appropriate manner than what was done before. It is clear that this programme will not reduce inflation, since it is already on the decline; although I am sure that Mr. Davis, and Mr. Trudeau probably at some time will take credit for the improvement in our economic conditions. I think an even more insidious part of this programme is the exercise or the removal of the rights of 500,000 people to the collective bargaining process. I think that it is deplorable that a government in a western society would have to come to this desperate resort of a police state, which is about what it is. It is denying people a basic right to collective bargaining. By law. If they can do this, they can do, as many other speakers have said, if they can do this with a majority, they can put through the legislation. I think that the removal of the bargaining rights and the dismantling of Solidarity in Poland are very similar. Although I am sure Mr. Davis would not look at it this way.

Kathy Galvin - OPSEU (Local 201)

Public Forum on Wage Controls - Hamilton

As a self-supporting Ontario Government clerical employee, I feel I must convey my concerns to you about this proposed legislation affecting public service workers.

A few nights ago, the Prime Minister explained the economic condition this country faces; he suggested co-operation of all workers, the businesses, the banks to help turn our country around and put it back on course. I am quite willing to do my part as a Canadian, a public service employee and as a worker. However, the wage control legislation has taken away my freedom to choose a course of action in helping to resolve our country's problems. The Ontario legislation enforces a wage cut on all clerical and office services employees. These employees are among the lowest paid government workers. The majority of these employees are women; self-supporting, single parents, widows and married. Contrary to popular opinion, very few of these women are "second wage earners". Women in this group are fast becoming the primary wage earners thanks to their spouses' recent unemployment.

One of the reasons for our country's economic crisis, we are told, is that people are not spending their money. They are saving it. I can tell you another reason why people aren't making those purchases such as cars and appliances -- they haven't got the money to spend, and very likely don't have money to save either. People are using their money for shelter, food and clothing needs and struggling to make ends meet.

We have been asked to reduce our expectations and be patriotic to be considerate and thoughtful of other Canadians. This would not be difficult today had we not already experienced wage controls in this country previously. Where was my fellow Canadians' patriotism, consideration then when they continued to let their prices for shelter, food and clothing spiral ever upward while my wages remained static? I have no reason to believe the providers of these necessities will become "patriotic" in conjunction with the legislation. On my present wages, I can afford 1980 prices, not 1982's.



Mike Skinner - The Hamilton Niagara Labour Coalition for Jobs  
Public Forum on Wage Controls - Hamilton

The Hamilton Niagara Labour Coalition for Jobs believes that wage controls are not the answer to our problems. On the contrary, wage controls only worsen the unemployment crisis. Quite simply how can we the unemployed accept any idea that suggests wages should be cut and controlled as prices rise, therefore decreasing consumer spending which only decreases production which only means less jobs.

We also know that unemployment is the major threat used by the corporations and governments to prevent wage gains and also to implement concessions. However, as the unions give in to concessions the employers offer job security, but once this job security doesn't materialize all of this co-operation is forgotten while the employers still have the right to lay off, shut down, or move out of town. I guess we can say workers have only co-operated their jobs away.

So when we really think about it, the pressure of concessions on the private sector and the force of controls on the public sector are not the resolutions to this economic crisis, but in reality are an attempt to put worker against worker, as well as split the employed and the unemployed. Just as they use concessions on the private sector and controls on the public sector in order to divide and rule.

Such programs only bring us back to the days when we had no unions and the employers forced workers to compete with each other by showing who would work for less.

Madeleine Lapointe - OPSEU - CAAT Support - Local 245

Public Forum on Wage Controls - Hamilton

Maintenance staff personnel are not renewed when a staff person leaves the college. At Lorne Park Campus 3 people now do the work that was once shared by 6 people, yet enrolment in day and night classes has increased.

Library budgets are not increased, yet demands for more material is greater than ever.

At the Lorne Park Campus the staff room has become a classroom. The staff room has not been replaced. In previous years a nurse would be on campus 3 days a week -- now this has been eliminated entirely.

Many positions that were once 12-month contracts are now being posted and filled as 10-month contracts. You are told to take the summer off and enjoy yourself!

- Al Baldwin - OPSEU (Local 211)

Public Forum on Wage Controls - Hamilton

There have been those in private industry that I have spoken to, laid off workers; and to be very frank, it's a hell of a selling job to try to convince someone who is out of a job that we need more than what's provided for in the restraint programme. I have had people say to me: "Be thankful that you have a job." Well, I am thankful that I have a job, and I think, and again this is my own personal opinion, that if my contract for the next negotiating year had been 10%, that I would rather have signed over 50% of that increase to the unemployed workers of this province rather than having that money drawn into the great whirlpool of the provincial coffers to go who knows where, and to go for who knows what. Therefore, it's the sad duty of mine to say to you that members of Local 211 completely oppose this bill. Before Mr. MacKenzie asks me the proverbial question, I will say to him that the government does have an alternative Mr. MacKenzie, and that's to operate within the system that they designed. That's going to an arbitrator and presenting their case. And let them do that. - The funny thing is that the arbitrators lately have been looking at the government's case and kicking them in the ass. And that's the problem with the government. Having said that, I've been brief.

Gordenna Brown, Union Counsellor, OPSEU Local 548  
Toronto

My membership consists mostly of women who are in the two lowest paid units of the Ontario Public Service, namely Office and Clerical Services.

We are the workers who Bill Davis sees fit to roll our negotiated wage increase back from 11% to 5%. There are a number of sole support mothers in my local. One of them took an apartment she really couldn't afford because she expected things to work out better in January of 1983 when she expected to receive her 11% wage increase. Because of the roll back in our wages she will lose \$1,040.00 next year. She now has to look for cheaper living accommodation. Her plans for her budget will change so drastically : she is unable to afford the apartment she had been on a waiting list for.

It is unbelievable that not only is she forced into this dilemma, she also has a daughter who is 7 years old. After paying her rent she has \$250.00/month left over; To cover food and clothing for herself and her daughter, as well as transportation to and from work. With the Christmas season upon us, we can only wonder at her distress when it comes to purchasing Christmas presents for her daughter, that naturally she expects.

Another member of my local had moved back to her parents' home where the home she had an aptment in was sold. She is single and left home because of the constant drinking and fighting of her parents. For a year she has been looking for affordable rental accommodations. In the process she has been subjected to her parents' drinking and arguments. She is now on a waiting list for an apartment which is basically reasonable in rent. But she has no idea how long she will have to wait. To afford this apartment, she will have to walk to and from work. She is quite lucky as it will only be a 20 minute walk!

Susie Vallance, President, OPSEU Local 561  
Bette Egri, Vice President, OPSEU Local 561  
Harry Karelas, Chief Steward, OPSEU LOCAL 561  
Toronto

The first (example of the effect of controls) concerns one of my members who is a single parent. Because her son lives at home, he is ineligible for student assistance. He worked all summer to pay for his college expenses. Now, Mr. Davis may be correct in saying that he has limited increases in tuition costs to five per cent. However, he has not kept the price of books, TTC tickets, food and shelter down. The young man in question will complete his first semester at college, but he may very well have to drop out in the spring. And even if he is able to remain to complete his first year, other policies work against him. The length of the college year, for example, has been extended for purely artificial reasons in order to make their "books" look good. The results, as the teachers will tell you, are the further decline of educational standards and, in the case of this woman and her son, a very unfortunate cost. You see, since he now has to spend many extra weeks in school he will not have enough time to earn his second year fees over the following summer. Yes, tuition fees may be limited to five per cent, but a single parent will see her son leave school sooner or later because of the policies of this government and the fact that her salary is being restricted by Bill 179.

Now, there is another story. It is the story of a technician who has worked in my college for more than 13 years. He is a skilled worker, but the college sees it fit to pay him only about \$17,500. His wife also works as a medical secretary and earns about the same. They have been married for several years and scrimped and saved to buy a home.

After tightening their belts as tight as they could be -- they did have a child which somewhat reduced their savings -- they still were able to make the down payment on a new home in Scarborough. They bought this house two years ago when prices were high and mortgage rates were higher. Now, his wife's father has been laid-off after almost 30 years in a manufacturing company, and his wife's mother will be laid off next month. His father-in-law has been jobless for almost a year. My member has had to make a choice, and he has made it. In order to ensure that his father and mother-in-law do not lose their home, he has put his up for sale. He will take a substantial loss because house prices have declined over the past two years. He and his family have been forced to move in with their "in-laws" who live 60 miles north of Toronto which will compel him and his wife to commute each day. The result?

Two hard-working, honest people saved for years to buy a new home and have a family. They have now lost their home. These are not foolish people. They did not live extravagantly.



Susie Vallance, president OPSEU Local 561  
Bette Egri, Vice President, OPSEU Local 561  
Harry Karelak, Chief Steward, OPSEU Local 561  
Toronto

They were frugal and cautious and they have been wiped out.

Now, the Davis government insists upon punishing these people even further.

Joyce Sulliver, OPSEU Local 532  
Toronto

I have been robbed of \$1,106.72. I am a D.P.T. 5; a clerical steno 4 has been robbed of \$968.00, a typist 3 of \$1,015.44 and a D.P.T.4 of \$1,178.84 just to name a few members of office and clerical services in the local I am from. We are angry!

Under "normal circumstances" we would call the authorities - who in turn would put out an all points bulletin for the thief -- who would then be arrested and prosecuted. We all know who the thief is; the Premier of Ontario.

Eric DePoe, Vice president  
Toronto Local, CUPW  
Toronto

The government's arbitrary extension of collective agreements and freeze on all rights and benefits is a cynical attempt to stop the historical process whereby unions have been playing a leading role in promoting social progress through collective bargaining. The immediate targets of this extension are groups such as women workers and long service employees whose special needs have only recently been addressed by the unions.

This extension is also an attempt to reverse the growing support for union demands to improve health and safety conditions, achieve greater protections against unjust disciplinary measures and negotiate job security and other non-monetary issues.

As postal workers, we cannot permit this legislation to deter us from the struggle to expand workers' rights and eliminate arbitrary powers of the employers.

Joseph C. Grogan  
OPSEU Local 562  
Toronto

\*As a labour educator - there are other implications:

1. Unable to assist workers and the labour movement organize training and retraining programs on such issues as health & safety, technological change, etc.
2. Need for English as Second Language training cannot be met. Many immigrant workers are unable to compete in the job market which is already depressed.
3. Forces educators to deal with people as objects - as numbers - not as people.
4. Funding of programs to meet the learning needs of trade unionists - restricted or of a short time duration. Therefore long term planning becomes impossible.

Rosemary Tait, President, OPSEU Local 525  
Toronto

Generally, the problems Bill 179 poses for us are no different from those for any other public sector workers: our members stand to lose between \$800.00 and \$2,000.00 next year because of wage controls. We may be a little more oppressed than some public sector workers in that we have not been able to attain cost of living wage increase since 1980/81, and as a result have lost between \$400.00 and \$1,000.00 in real income in each of the last two years.

Notwithstanding our numbers, we are no less angry about this legislation than everyone else here today.

Perhaps most significant is the impact that the current recession/depression is having on our members' workloads:

As unemployment continues to rise, UI and welfare roles swell. There is a corresponding increase in recipients legal problems, perhaps exacerbated by the increase in work load on the welfare and UIC workers who are attempting to deal with this dramatic rise.

The number of rent increases beyond the 6% rent control limit has been astronomical lately. As landlords watch their profits dwindle, they react by putting the squeeze on tenants in any number of ways.

As the cost of living continues to rise, incomes of injured workers' incomes continue to decline at a corresponding rate. As Companies feel the pinch on their profits, they react by taking resources from workplace health and safety and putting them into fighting their workers' compensation claims.

Family problems increase as families have to stretch already limited income further and further.

These are but a few examples which represent a real measurable increase in communities' demands on community legal clinic resources and staff time. All 41 community clinics in the province can attest to the unmet need for assistance.

While the provincial government has made a paper commitment to providing legal services to low income people, it does not appear to be making more than a token effort to meet the need. Demands for increases in the number of staff have not been taken seriously by the Ministry in the last two years, although they have expanded the system across the province.

When the Prime Minister appealing to the country to "pull together" and with Premier Davis two steps behind, with wage controls, and restraints on spending, the province has given itself even more justification to keep these valuable community resources underfunded.

This means that our members are not only losing 6% to 12% a year real income, they are being asked to increase their workload as well.



Joan E. Anderson, OPSEU Local 532  
Toronto

No real gains for women have been made by the Conservative government in the last ten years. Your affirmative action program stinks, Bill Davis. You should do away with the 29 womens' advisors whom I suspect make up the 1.8% gain of women in management in your government. It is just another "red herring" scam to lull us into oblivion.

Your quota system of placing 30% women in higher paying positions within the government by the year 2000 is a farce. We'll be there by ourselves by then. The target plan should be implemented. The reason, I understand for not going for a target figure is that a few women might be misplaced and embarrass the government. Why not take a chance, Bill? We've been embarrassed plenty by the men you've misplaced.

Now you add insult to injury by taking \$600 to \$1,500 a year away from the lowest paid group in your government. The gains made by the Union for the Office Services and Clerical Staff are being rolled back to 5%. 98% of Office Services Staff is female staff already at the low end of the wage scale. 80% of Clerical staff are women, getting 57 cents to a man's dollar. It is outright blatant discrimination!!!

Charles Trumble, Chairperson, M.T.C. Division  
Toronto

It has been stated by some that wage controls should be accepted by the employees of this government because they have job security, I put it to you that we have no job security.

Three years ago, M.T.C., embarked on a program of privatization which is almost complete. During that time frame, over 3,000 positions have been phased out. Every year sees more jobs being declared redundant. These are facts; in the face of these facts, I ask you, What Job Security?

I stated earlier that at the very least, 5,000 of our membership are women, mostly clerical and office workers of whom the bulk work in Toronto. On average these women earn \$25 - \$30 per week less than their counterparts in the private sector. Yet they get slapped with a 5% pay increase after they had negotiated an 11% increase in salary.

Ontario Health Coalition Statement  
Toronto

The Health Coalition of Ontario sees the present emergency as part of a larger crisis in the World and Western Economy. Issues such as inflation, unemployment, slow growth are not the causes but the symptoms of the crisis. Its actual cause is the decline in the profitability of the largest industrial and commercial companies of the western world.

What we are really seeing is the attempt to recreate conditions for corporate profits to rise once again. To accomplish this we are witnessing on the one hand the dismantling of the social security system -- the floor under our economy -- despite what the Prime Minister claimed on T.V. In other words the re-privatization of our health care system is well under way. something that has already happened in Australia, is proceeding in Germany, and is planned for England.

Kevin Moloney, President, CUEW  
Toronto

Our members earn a wage at the lowest end of the scale. They get paid between \$2,500 and \$5,500 per appointment. For a full time graduate student, who by legislation is only allowed to work an average of ten hours per week, this amount is often their total yearly income. Our part time employees are allowed to hold more than one appointment, or to work at other jobs, but their position tends to be even more tenuous as with salaries this low they are forced to take on enormous workloads to maintain an acceptable standard of living. At York University, Local Three of CUEW, of approximately 450 part-timers only 45 people have incomes of over \$14,000 per year, and only ten have over \$18,000 per year. Thus, whether full time graduate student or part time employee, CUEW members can be seen as being at the lowest end of the wage scale.

Further, our members can hardly be seen as a cause of inflation. By and large our locals have been themselves as lucky if they have, over the past few years, been able to negotiate a contract at inflation. For example, at the University of Toronto, Local Two of CUEW and the largest of our locals, over the past five years they have negotiated for their M.A. teaching assistants: 1978 - 3.7%, 1979 - 8.5%, 1980 - 5.0%, 1981 - 13.8%, 1982 - 11.9%. Given the sizes of our salaries in the first place, it should be clear that CUEW is in no way responsible for inflation. Cutting back on our salaries will in no way help cure inflation. For our members, already paid so poorly that they can barely afford to hang on to their positions, wage controls would have an enormously harmful effect. Many of them would very simply be forced out of academia.

Roger Pretty, Concerned Citizen and Teacher  
Orillia

The wages of a \$17,000 day-care worker in Ottawa will be cut by up to \$18.00 a week starting Jan. 1/82. Her rights of free collective bargaining have been suspended. Yet a medical specialist who earns \$150,000. a year has had no controls imposed. He retains the best of both worlds - opting out and the right to withdraw services. And while an \$18,000. clerk in the Ministry of Transportation can't afford a vacation this year and is coping with \$250. in increased taxes from last May's budget, next year she fears inflation with nearly \$20 less each week despite the contract her union negotiated and the government signed. Yet a company like Union Gas will be allowed to pass through any of its increased prices directly to the consumer.



Linda Spry, Local 339, OPSEU  
Orillia

Job security is another red herring which Mr. Davis uses to set the public sector apart from the private sector, but do we really have job security?

If you read your newspaper regularly you will see contradictions of that statement.

Only weeks ago, 122 public employees (chest clinics) were told that their jobs had been declared redundant and would be unemployed as of December 1982. Just days ago, an article appeared in the newspaper telling us of the governments plan to close down 6 handicapped facilities and leaving 1100 government employees without jobs.

At the present time, the Ministry of Health is conducting a productivity study on its Regional and Central laboratories. The purpose of this study is 'to find ways of cutting costs'. This type of study causes considerable stress on those who are being monitored every 10 minutes and wondering what the consultant's recommendations might be. A few years ago five health labs were closed without notice. Our laboratory staff are wondering if the next article to appear in the newspaper will be about the closing of our facility.

Government employees are being laid-off regularly and yet the general consensus is that public workers have job security.

Ethel LaValley, Local 306, OPSEU  
Orillia

I am employed presently as Clerk 4 general with the Ministry of Natural Resources.

- My local consists of 80% of unclassified staff who are scared stiff of losing their jobs and would not appear here today.
- I am a single parent raising one daughter.
- Presently making \$375.31 per week.
- Raise as of Jan. 1, 1983 should have been \$409.09
- As of July 1, 1983 \$416.09
- With 5% limit will now be \$394.08 per week, a loss of \$15.01 per week or \$390.26 for first 6 months and a loss of \$22.01 per week or \$572.26 for next 6 months. This is a total loss of \$962.52 in 1983. Maybe if I'm lucky, I will get an additional \$250, if my employer sees fit.

#### QUESTIONS:

- Will the cost of clothing go down?
- Will the cost of gas go down? It already went up 9% & I presently drive 48 miles a day to and from work.
- Will the cost of food go down?
- Will the bank interest on my mobile home payment go down? I rather doubt it.

Can I go to the bank and tell them, I'm only going to make part payments? You and I both know what will happen. I'll lose my home.

Why should I bargain or rather beg for an increase that was already agreed on by our government until the end of 1983. What's a Tory promise worth anyway?

My conclusion is that it's worth about as much as the paper my brief is written on. Incidentally, the Government Hot Line advised me that my wages will be modified. They don't like the word "rolled back".

Mike McMurter  
Local 323, OPSEU  
Orillia

Those people that are now unemployed are from the manufacturing sector, the sector that produces consumable items such as cars, machinery, clothing, etc. The average buyer is consuming less, because there has been a significant decrease in his or her disposable income. The ability to buy new items based on disposable income is also applicable to business and farms. By the Davis government imposing wage controls it has penalized those people that maintain the various essential operations and they are reducing their disposable income which will result in more unemployed in the private sector and more businesses going bankrupt. The wage restraint proposal will have a direct impact on both public and private sectors economically.

If we stop and look at Orillia for a minute we see a community already devastated by unemployment, plant closures and bankruptcies. What will be the impact, when the employees of one of the major employers (HRC) has a significant reduction in disposable income. The effect will be felt across every business in the community, with less people buying cars, shoes and clothing, and less houses will be purchased or built.

The impact will be there significantly.

Howard Raper  
Orillia & District Labour Council  
Orillia

Another myth is that by forcing a wage control program on public workers, the government is saving everyone else huge amounts of taxes. Wages and salaries account for approximately 13.5% of federal government expenditures, compared to 23% required for interest payments on the public debt.

Simple logic would tell us that measures aimed at reducing the interest payments on the public debt would save the government more money than a corresponding percentage reduction in wages.

A one percent decline in interest rates would save the government more money, reduce inflation and create more employment than the wage reduction program contained in Bill C-124.

Also, the money these workers get is spent. Much of it is spent on sales taxes, excise taxes, etc. If they don't get the money they don't spend it. If they don't spend it, they don't pay sales and excise taxes. If they don't pay these taxes, guess who does?

Terry Baxter  
Local 308, OPSEU  
Orillia

A Canadian living in the finest geographic area of planet earth, rich in resources and technology and short on economic leadership. Yes our economy is in a state of disarray with escalating inflation, minus growth and growing deficits. However we increase our chances at turning our worsening recession into a full scale depression by introducing wage controls. Price controls are not sought due to adverse popularity, while public sector wage controls are imposed because of their popularity.

An Ontario resident living in the nation's Garden of Eden suffers the same cancer. Selective wage controls contemplated with a full awareness of their negative effect on economic recovery.



Wayne Shred  
Oshawa and District Labour Council  
Orillia

In the Oshawa District Labour Council the representation of Public Unions is OPSEU, CUPE, CUPW to name a few, who have all been affected by the Restraint Programme. Those Unionists in the Ontario Public Sector have had their negotiating rights stripped from them. Now they can only beg for any type of increase, when it comes to bargaining.

An example of this is the Durham Board of Education workers who were forced to face the reality of a strike this week to back demands just to get a decent offer before the "Wage Restraint Program" comes into effect. Knowing full well that they could get up to 9% under the Program, they have been offered 6%.

In the public service Bill Davis said they should be happy with the job security that had been afforded to them. However, what job security? Is there security in the Ontario Public Sector when x-ray technicians are laid off, and with the latest announcement of the laying off of over 1,000 working staff in Mental Retardation Facilities across the Province.

- As for the Public Servants, they have seen what attrition has done to the hospitals. Such as the number of nurses to look after patients in the hospitals. The reduction of staff in some Ministry of Assessment Offices to the bare bones - an example of this is in the Toronto Assessment Office where when the Province took over the function of assessment in 1970 saw over 120 assessors doing the assessment work. Today under 90 staff are doing the same amount of work not considering that the city has grown in the past 12 years.

The restrictions on the wages of the Public Sector will cut back the purchasing power of its workers thus forcing them to buy less as the prices of goods and services go up. With less money in their pockets to buy goods and services this will cause a snowball effect, namely the frig or stove that was going to be bought will be put off to another day. The car that needed replacing will have to last that much longer.

Brian Hare, Local 323, OPSEU  
Orillia

The Ontario Public Service Employees Union members do not make the high wages that the public perceives us as making. Many of the positions we hold require post-secondary education of some type. For example a Residential Life Counsellor must have two years of Community College and three years of on the job service (this service must be judged by Management to be competent) in order to reach the maximum of \$9.13 an hour. Miracle Mart cashiers with no special education get \$10.00 an hour, auto workers with no special education get \$16.00 an hour etc. etc.

We are also perceived by the public as having nice secure jobs, despite closings of facilities for the Mentally Retarded, the mentally ill and closings of juvenile detention centres and x-ray units.

We are being used by the Government of Ontario as scapegoats to cover-up their own mismanagement, of funds. Limiting our wage increases to 5% is not going to reduce the government deficit. They should be looking at their budgeting system and the waste that it necessarily causes.

Betty Ford  
Secretary, Peterborough Labour Council  
Orillia

If we need a whipping boy, the little guys at the bottom may as well be it. Few have legal recourse. It's a natural selection.

The little guys at the bottom are voters and before the Davis foot comes down, the alternatives should be reviewed. Put some teeth in the audit system by making someone responsible for gross errors in judgement, overspending, wastage. Why should the lowest paid worker and women have to pay and pay and pay. Pay the increased taxation, pay at the grocery store, pay at the gas pump (which increased 8 to 10¢ a litre this week).

Our pockets are being picked. Large sums of incentive dollars have been given to large corporations without controls for the benefit of the worker. To my knowledge, these funds were transferred to foreign countries where labour could be bought cheaper.

Local 142, OPSEU  
London ---

And what, one might well ask does Bill Davis do to fight the economic depression ravaging communities such as Windsor? Does he introduce policies which could revitalize the economy? Does he take measures to get even one worker back on the job force?

No!!! He satisfies himself with controlling the wages of public sector workers. A move which will not only fail to create new jobs or get one laid off worker back to work, but a move which will instead take badly needed capital out of the economy and further erode a system which desperately requires economic reform.

And for the employees at Grace Hospital Lab, Bill's so-called solution is only adding to the victims of the Davis Government's fiscal blundering. Our workplace is for the most part the domain of women. And of our 60 employees there are 10 single parent women. Even given the fact that the average wage in our facility is around 19,000 dollars a year how do these single parents provide shelter at 18% interest rates and food and clothing and other necessities on these wages?

In the name of cost efficiency and keeping down the Provincial Budget four of Windsor's hospitals entered into a consolidation of services plan at the Ministers urging. As a first step the Laboratories of Grace Hospital, Windsor Western Hospital and Riverview Hospital combined their Laboratory Services. I myself am an employee of Grace Hospital who is physically located at Windsor Western Hospital. Windsor Western Hospital Laboratory employees operate under one collective agreement and Grace Laboratory Employees operate under another collective agreement. Because the Windsor Western agreement expired before the magic October 1st date and they had already settled their agreement based on the long overdue Verity Award they will be frozen at \$180 a month higher salary than the one I will be frozen at. We do the same job; on the same schedules; supervised by the same person; working the same shifts and sitting side by side but I am to make \$180 a month less. Where is the EQUITY??

But forget about the Public Service for a moment. What about our Lab. We have a woman at our facility who has just learned that she is pregnant and that her husband wants a divorce. He has left her with three other children and a mortgage that she can no longer afford at 18% given her new circumstances and we are powerless to even negotiate for her a decent maternity leave because the collective bargaining process has been swept away. Bill 179 hits women the hardest and insures that they will never achieve such long overdue affirmative actions objectives such as substantial maternity leave clauses and equal pay for work of equal value.

London and District Area Council  
London

Preparing for the annual mismatch in the fall of 1981, the rank and file of OPSEU clerical and office services members instructed their negotiating team to obtain a one year contract that had to at least match the cost of living increase. These two categories are predominately women and historically underpaid.

The negotiating team made their offer and the government made their traditionally absurd low reply. As the weeks progressed, it became obvious that the government was pushing for a two year contract. The not-too-subtle hints were made through the media that, with wage controls coming from the federal government, a two year contract would provide some security.

Faced with this information and a contract offer averaging 12.5% in 1982 and 11% in 1983 the membership ratified the contract although the 1982 offer did not meet the cost of living requirement but the 1983 portion would look good if controls came into being.

The ink was almost dry on the agreement when the government introduced its own control program. This program would save the province millions the newspapers shouted. How you ask? By reducing the 11% increase for 1983 back to 5%. Where was the good faith bargaining? The 11% offer was made rather than 5 or 6% so that when the controls were sprung the "savings" would appear greater. Had the government not planned on introducing controls, the government negotiators would never have been allowed to offer 11% -- the first time the double digit barrier had been pierced by a non-arbitrated agreement.



Frank Green  
Local 110, OPSEU  
London

Simply put, the proposed legislation will strip us of our collective bargaining rights and put us completely at the mercy of management. Their intention is clear - increased workload - further layoffs.

On September 9, 1982 Bette Stephenson wrote to the Chairman of the Boards of Governors and to the College Presidents advising them that they "will have to consider the transfer of resources from low priority programs to high priority programs, even when the former are well supported and apparently viable operations."

It is clear that unless the provincial government reverses its course on this legislation, unjust treatment of public sector workers, more unemployment, deterioration in the quality of education and reduced access to education will be the predictable results.

Elaine Brubacher  
Local 111, OPSEU  
London

For those in public health labs, provincial chest clinics, mental retardation centres, some juvenile detention centres, power plants which have switched to portapack systems, laundry workers where facilities now contract out, offices which have introduced microtechnology to the workplace etc., I would imagine job security sounds like a beautiful fairy tale.

The government has initiated a comprehensive job restriction program where only current employees part-time and full-time can apply for higher positions. With the resource bank of skills and formal education obtained while in government employ, one would imagine that opportunities for advancement would be better than ever. Like tax breaks, the loopholes are endless. Contract positions are on the increase, former full-time positions are replaced with these thereby cutting off opportunities to better one's self.

Or the position remains vacant.

I've often wondered why when supposedly I have a secure, well-paying job, I'm further behind than 4 years ago.

My pay stubs show that 4 years ago I grossed \$169.09/wk., income tax was \$36.82, U.I.C. \$4.56, C.P.P. \$5.32. In comparison I now gross \$322.27 (but that includes promotion to higher category)

Income tax is \$104.28 - 300% higher

U.I.C.           \$ 10.63 - 100% higher

C.P.P.           \$ 10.49 - 95% higher

Any benefits are taxable adding \$140.00 tax per year.

After insurances, pension plans, dues, average take home pay is \$225.00/wk.

Then take into account rent, food, gas, insurances, repairs, essential clothing. I defy any politician to balance a limited budget any better than we in the \$10,000.00 to \$20,000.00 range.

Roy Hannon  
London Psychiatric Hospital  
London

Staff shortages, particularly in the Psychogeriatric Unit which covers the entire front floor of the LPH has affected morale of the best staff around the hospital.

Patients that we deal with need total nursing care. From physical lifts of bed to geri chair, bathing in inadequate and unsafe working areas; dressing in civilized clothes whilst the patient is fighting you for no rational reason. Feeding patients, making beds, escorting patients (when escort service is short staffed at the same time ward staff is short in numbers). We give fluids between breakfast and lunch and supper. We sort individual patients soiled and clean laundry.

During the summer we had students from Experience '82. Summer Students and Exchange Students from Quebec. They were good workers but were not covered by WCB while working on geriatrics or any other ward in our hospital. Many are not returning next year.

When a person becomes injured on our wards, they are not replaced, therefore we work short staffed.

Staff injuries are due to patient resentiveness to nursing care and lack of people who enjoy working with geriatrics. Our sick time has been reduced to six (6) days per year.

Our availability of hot meals has been reduced. The dining room is open during 1115 h to 1300 h only, yet nursing staff is there at work 24 hr. every day.

Elaine McTaggart  
Local 101, OPSEU  
London

Not only have my members been totally shafted in regard to their wages but further deprived by the government who has refused to fully implement the Working Conditions and Fringe Benefit Contract awarded to us at binding arbitration July 28, 1982.

Due to this refusal, women now on maternity leave do not know if they will receive the new benefits under this arbitration award or not. Members of my local have also been refused holiday time for which they would be eligible under this new contract. Also awarded in this contract was ten (10) minute breaks after every hour of continuous work on the Visual Display Terminals.

Now the government has implemented a schedule. However this schedule has been devised so that the workers are away from their machines one minute more than prior to this arbitration award. Eye examinations for the workers has been completely ignored. Again we have an example of an employer who is insensitive and has little or no regard for their employees.

. How can the Ontario Government expect employers in the private sector to be responsible corporate citizens and honour their contracts when they so blithely pass legislation to the contrary.

What happened to our employer's, the Ontario Government, statement "We Keep The Promise".

John Starkey  
The Faculty Association, The University of Western Ontario  
London

Quite apart from the obvious immorality of denying the fundamental democratic right to negotiate and the discrimination against a group of society, Bill 179 goes further, by artificially creating such a group on the basis of identification by source of funding. Such a grouping is completely irrational. It combines many different sectors, some of which (at least) have their peer groups in the private sector, not in the public sector.

The universities produce much of the wealth in the economy by training the skilled manpower that Canada needs. The universities hold the key to Canada's future, economically, culturally and politically. Bill 179, if applied in its present form to the universities, will add to the demoralization which already exists as a result of the government's continued underfunding and lack of direction for its educational system. Much damage has already been done to the universities and if a healthier, more viable climate is not generated soon the damage will be irreparable. Bill 179 is another step down the wrong road.

The universities are being used as scapegoats by the government for errors of the government's own making. Since the Established Program Financing arrangements were made with the Federal government, the Ontario government has reneged on the spirit of the agreement by not continuing to match the Federal funds applied to higher education. They have allocated their funds to other parts of the budget, notably health care, and underfunded the universities. The universities have been maintained by awarding faculty lower salary increases than other professional groups, 25% lower than the provincial industrial average over the past 10 years, so that currently the universities are being subsidized to the tune of \$100,000,000 per year in the form of foregone earnings by faculty (i.e. the difference between actual earnings and the earnings which would have resulted if faculty salaries had kept up with the provincial average).



Tim Souchereau  
Local 135, OPSEU

According to results published in trade journals, psychology and economic journals in the past several months, correctional staff rank in the top 5 in stress tests and the bottom 5 in low wages and this will continue during these months and maybe years in the cresting wake of the Ontario and Federal restraint policies.

Stress on the job is one of the major causes of heart conditions, nervous breakdowns and a number of other diseases. The Government must recognize this factor because of the stress and wage seminars it sponsors throughout the Province. For this reason alone the Government should recognize the special problems that accompany the correctional officer in his daily endeavours to meet the demands of the Ministry, as well as the Courts, the Public, and of course his obligations to himself and his Family. In meeting with the criteria set down by the Ministry, is it not only fair that we receive special considerations such as a shorter work week, more vacation time, and maybe even a revamping of the sick time system which is presently in effect. The Government and the Ministry sets the standards that an individual must meet in order to qualify for the position of a Correctional Officer. The criteria set down by the Ministry in which Correctional Staff must follow once appointed to the position is in some ways quite strict. For instance we are on 24 hr. call so those living outside a public transit system route must have a vehicle, there must be no association with Ex-inmates or their families, so local pubs or types of entertainment which are within our monetary means are out because these are frequented by inmates and their families and joining private clubs or going to higher class establishments is expensive. So to meet the demands set upon us by the Ministry, it is only fair that the Ministry provide the necessary monetary means enabling us to live up to their expectations. Also due to the recognized fact that this is a "high stress and low pay" job the Ministry must realize that a change of pace, a change of atmosphere, a change that is totally different from the work environment is needed to reduce the amount of stress that cripples an individual that does his best to adhere to the Ministry's expectations.

Dr. M. P. Burger & B. Buress, Local 143 OPSEU  
London

- Wage Restraint Double Barrelled for OPSEU #143. Our administration opted out of Province Wide Negotiations for present contract (i.e. Jan. 1, 1981 - Dec. 31, 1982) and settled June 26, 1981 a full six months prior to the beginning of the "Verity Award Arbitration" a landmark decision between the 38 hospitals in Central Bargaining with OPSEU Paramedic Division. The decision corrected a blatant injustice in paramedic salaries relative to other hospital workers which had existed since the intrusion in the mid 1970's of the A.I.B. into free collective bargaining.
- Thus at present our local wages are 18%-20% below those of our colleagues throughout the province.
- Recent local arbitration at Baycrest Hospital Toronto reaffirmed the Verity Award
- thus in new negotiations precedent had been set for us to establish at minimum a comparable settlement to Verity Award
- a similar discrepancy now exists in salary comparisons with all other hospitals in our city.
- Thus Bill 179 imposes on OPSEU #143 not only inequity with private sector but also with colleagues throughout the province.
- Result already occurring, huge staff turnover creating instability in delivery of essential community services.
- envision further exodus of professional staff and further staff attrition as hospital again imposes hiring freezes.

Brian Sharp  
Local 127, OPSEU  
London

The effects of the controls in Kent County will most certainly be significant. When you consider that, in an area already depressed by the poor eprformance of the auto industry, a further reduction in purchasing power could be the straw that broke the camel's back.

Both small and large business are facing or have already gone bankrupt. The only customers with money in some villages and small towns are public servants whose incomes are already being eroded by continuing increases in the cost of housing, food and utilities.

Wally Krawczyk  
Local 125, OPSEU  
London

There has been considerable distortion by irresponsible editorialists in the newspapers and radio that represents our opposition to Bill 179 as greed over controlled wages. We know the real issue is your government's threat to destroy free collective bargaining.

Your government is committed to the principle of "free enterprise." We would remind you that one of the cornerstones of "free enterprise" is free collective bargaining. This is not a privilege paternally granted to wage earners by government or owners or money renters, but a right that workers have painfully constructed over the years to allow peaceful resolution of labour disputes. It is a feature of all free countries.

We in the community college system have exercised our right responsibly: In a period of some seven years (fourteen labour years, considering the two bargaining units, academic and support) less than 0.3% of time was lost through a strike (and even then, the colleges remained open for business).

Two years ago, free workers across the world celebrated the struggle and success of Polish workers for free collective bargaining, even though that success was gained with terrible violence of their government against them. Their courage and determination was winning for them what was achieved with comparable cost by our grandparents and their parents, generations ago.

It's a cruel but appropriate irony that, as we complete this presentation, the Polish government has officially made free collective bargaining illegal. Canada is not Poland (for one thing, free collective bargaining is not yet illegal here.) But the point, obvious though it is, must be made: for a government, any government to unilaterally and arbitrarily destroy hard-won free collective bargaining is to invite dire consequences.

Do you really expect us to stand passively while your government assaults our bargaining rights?

Wally Krawczyk for Jean Norris  
Local 124, OPSEU  
London

I am many things to many people.....

To the politicians I am a statistic, a name on a computer printout list - faceless, colourless, unknown.

To my married friends, most of whom need 2 incomes in order to survive, I am a financial wizard, a juggler of accounts, a budget-balancing magician.

To Revenue and Taxation Canada, I am "Head of Household".

To my neighbours I am an antique car enthusiast - I drive a 1969 Volkswagen, bought for \$250. three years ago.

To my bank manager I am a bad risk, my yearly take home pay falls \$6,000 below the latest poverty line figures for the 'average' Canadian family, and my bi-weekly payroll cheque regularly cancels my bi-weekly overdraft.

To my friends who work in the private sector, who are not subjected to unrealistic restraints and controls, who receive regular 'inflation fighter' cost of living increases, 100% benefits and have a lucrative company savings schemes, I am the Social Recluse - excluded from the shopping weekends in London and Toronto, and the weekly visit to a decent restaurant. I am no longer good company - with no interest in the latest fashions, hairsystles or the social scene - because in the struggle for survival, these pleasant breaks and escapes from routine are a luxury I have to forego.

To the local Travel Agents I am their worst customer, I haven't even been into pick up a brochure in the last five years.

To the people in the second hand clothes shops, I am their best customer, a regular but thrifty shopper.

But to two young men in their teens I am everything - mother, provider, homemaker, counsellor, problem solver, friend.

#### WHO WHO AM I?

I am a female Public Service Employee, with 26 years experience in the work force and a take home pay of \$230. per week, employed full time as a clerk at an Ontario Community College.



I am one of hundreds of single-parent Public Service women employees that Bill Davis had told "Tighten Your Belts and accept 5% or less", because the government cannot balance its budget. Well, I've got news for you Bill Davis - I can no longer balance my budget either, I am already stretched beyond my limits trying to pay a mortgage and be totally responsible for the support of two teenage sons with men's appetites and needing men's clothing - and all on \$230 a week.

Could you cope on \$230 a week Bill Davis - Could you happily face the future knowing you are going to have even less in your wallet very soon? Could you pay a mortgage, taxes, water rates, hydro, gas, telephone, cable, groceries, toilet goods, haircuts, clothes, school expenses, transport costs, 50% of your Dental bills, 25% of your prescription charges, postage charges, life insurance to protect your family, bank loan repayments for loans arising from three months sick leave on only 60% of your salary - Could you do all this on \$230 a week Bill Davis and still tighten your belt? Would you accept even further restraints without feeling anger, despair, depression, frustration.

Norma Skibinski  
Local 144 OPSEU  
London

The members of this bargaining unit are employees of The London and District Association for the Mentally Retarded which is an agency funded by the provincial government.

There is no doubt in our minds that the current wage restraints proposed by the provincial government will assist us only in remaining among the working poor of this province. Our current salary scale which ranges from a starting salary of \$12,435.00 to a salary after three years' employment of \$14,565.00 barely allows our staff members to meet their current expenses in the areas of food, clothing, shelter and utilities. Some have had to make personal loans in order to do so. One staff member, who is a single parent, found it necessary to work in the tobacco fields this past summer in addition to her regular job just to make ends meet.

The government says it will guarantee those in our income bracket \$750.00 in the control year which is a generous \$21.75 more than 5% of our maximum salary. In addition, because we fall below (well below!!!) the \$20,000 level, we will be able to negotiate with our employer an additional \$250.00. If this proves successful and, if we survive Jack Biddell's scrutiny, we will have a total maximum increase of \$1,000.00. The net increase from this (after all deductions are made) will do nothing to relieve our financial dilemma, nor will it put one unemployed person back to work, nor will it give any impetus to the economy.

Russel Pratt  
National Representative, Energy and Chemical Workers Union  
London

The unanswered question is how much good all this will do the economy. The public supports 6% and 5% and the provinces are joining, largely because of the band wagon effect. Some economists consider wage restraint a vital part of a recovery program; others as a drag on a depressed economy.

There is one aspect of the 6% and 5% solution that I wish to address. Most provinces will continue to bargain on pay with their employees. But the federal government and Ontario have suspended normal bargaining. It is this suspension of the right to collective bargaining that concerns me most. A right suspended is a right denied.

The Federal Government established the 6% and 5% program in order to control wages of their employees and to set an example for non-federal civil servants and the private sector throughout Canada. In order to do so they denied the right to collective bargaining to their employees. As an aside, you must realize in the case of Ontario that denying the right to bargain over wages does in effect eliminate the entire collective bargaining process. There is no room for trade-off or maneuvering when bargaining on non-monetary issues if bargaining on monetary issues has been removed.

Collective bargaining is a hard-earned right, and it is a right. Just like the right to vote, the right to freedom of speech. The right to peaceful assembly and so forth. Just like these rights, the right to collective bargaining had to be won and it was won during the same basic historical period as these other rights.

Bev Parker  
OPSEU Local 130  
London

Talk to the young, single Clerk 2 General in my office who tries to survive on \$750 a month because the Social Services Ministry says it can only afford her 24 hours a week - although there's work enough for 40 hours. Ask her how she pays her rent on an apartment, buys clothes to make herself presentable to the Ministry's public, makes car payments so she can visit her disabled parents 30 miles away - ask her what she eats. I know!

Then if you still are not hostile, apathetic, butter, then ask me.

Me! I'm the one who having raised four children alone after 21 years 9 months thinks the time has finally come - after student loans are repaid in full, the future looks like it might be ready for retirement plans and you talk with these four siblings and you're feeling great. Then the very next month your employer says NO. Your employer, Mr. Davis, says my struggle hasn't last long enough at 21 years 9 months. He says HE will decide when - HE decides when you can hold up your head, start to relax. HE will decide when I can start to plan for future retirement. HE is going to decide for me and all these other folks when our vocabulary no longer needs the term daily apathy. HE will decide when this snowball will melt. The figures are before our eyes every day, and you will hear more facts and figures in the other briefs today. But the real shouts are in the peoples' eyes, their faces, their inner feelings - there is ice there - and it will be a long time melting.

Hubert Duhamel  
Residential Counsellor, Oxford Regional Centre, Woodstock  
London

We pay Union dues, but we can't strike, we can't,  
as of most recent, even go to binding arbitration.

So if we can't fend for ourselves and no one  
will fend for us, then who will fend for the Mentally  
Handicapped, Disadvantaged, and the disabled.

How can the Mentally Handicapped be assured of  
proper entitlement when the position our government  
has is to decrease the expertise needed to fulfill  
the obligations our forefathers demanded when they  
developed a code call Human Rights.



Paul D. Middleton  
Union Representative, London and District Services Workers'  
Union, Local 220  
London

The Ontario Labour Relations Act states:

"Sec. 3 - Every person is free to join a trade  
union of his own choice and to participate  
in its lawful activities."

The Labour Relations Act then goes on, of course,  
to organize the practises and procedures (through the  
Ontario Labour Relations Board) of negotiating Union-  
Management Collective Agreements, including of course  
a vital first contract.

Yet this new legislation is very unclear. How  
are we to negotiate new first contracts in total  
(monetary and non-monetary matters), including the  
necessary catch-up to industry standards?

Examples:

St. Raphael's Nursing Home, Durham  
(2/3 employees presently @ \$3.50 -  
\$3.55 minimum wage level; certified  
November 18, 1981 and went to HLDA  
Arbitration on October 4, 1982 -  
awaiting Award for Professor Baum).  
The Employer walked out of the arbitration  
hearing on October 4th, claiming relief  
under this new legislation!

Idylwild Nursing Home, London  
Certified on March 31, 1981 with  
Arbitration scheduled for December  
15th, 1982. Minimal level of wages  
and benefits!

Chateau Gardens, Hanover - Part Time Employees  
Certified on October 8th, 1982 -  
Notice to bargain sent to Employer  
October 12, 1982. These employees are  
approximately \$2.00 hour behind their  
full time counterparts!

Bill Dennis  
P.S.A.C.  
London

If wage controls are implemented the effects on the economy are staggering. With less money people buy less therefore business produces less. Another area which seems to be forgotten is tax revenues. If Canadians are making less the government cannot tax something that is not there. One answer is to increase taxes. However, the tax burdens now are too heavy, and governments to be re-elected would be foolish to increase the tax rate. Simply put increased taxes = decreased votes. If production falls off, and companies are forced to lay workers off, the tax revenues to those workers now become unemployment insurance liabilities. Also, if production is lessened so are profits, again less tax revenues. This vicious circle has to be broken, but not by wage controls. Price gouging, profiteering, high interest rates are the problems. These are the causes of inflation and must be cured. Wages do not cause prices, it is the attempt of the wage earners to catch up to rising prices that cause wage increases. If the real causes of inflation were answered wages would automatically fall in line with that situation.

Mary Town  
Local 117 OPSEU  
London

I work in a Developmental Residence in a large institution. The residents on our ward have IQ's which range from nil to approx. 30. "Nil" signifying that the IQ is so low it cannot be measured accurately. Half of our residents are not toilet trained, some refuse to wear clothing, will eat any substance from cigarette butts to table napkins to cleaning fluids to faeces. They are incapable of caring for themselves in any way. We have 1 verbal resident out of 34.

Budget restraints already have meant that we can't get new clothing for our residents. The quality and quantity of the meals has deteriorated.

The general appearance of the ward is becoming an eyesore. The paint is peeling off the walls. The furnishings consist of plastic tub chairs and plastic park benches. How many of you have furnished your own homes in this way?

We have no doors on our toilet cubicles for privacy. Some even have no toilet seats.

Another part of budget restraints already in effect, not the proposed ones yet to come are staff shortages. We are presently in a hiring freeze which likely will continue until the end of March, the end of our fiscal year and possibly longer by the reports in the newspaper.

We work with violent and aggressive residents. Staff injuries are a common occurrence. Our staff turnover is tremendous. No one wants to work with our low level residents. I have worked for 3 years on my particular ward, a relatively short time in most jobs. I'm considered to be one of the older long time staff members now. How are they going to cover our ward with staff over the next 6 months, if no new staff is hired. 50% of our staff has changed since last year. It's pretty frustrating to work under the present conditions when you want to do more for the residents but staffing doesn't allow you time to do so.

Alex Kreiter  
Local 117 OPSEU  
London

In the institutional setting cleaning staff and dietary staff are just as important as counsellors in providing for the support so richly deserved and necessary for the resident. We are all front line workers..care-givers imbued with love, patience and professional integrity all working together to help people help themselves.

What a load of bullshit...you see, in order to help others help themselves...you have to be O.K. You have to feel good about yourself; feel secure and happy in your job; and feel involved in a caring support system. In November of last I presented a brief to a provincial inquiry studying the effects of cutbacks on patient care. I mention this because I feel the need for 'consistency in caring'. I said that in my own family we try to care in a consistent and supportive manner ...BUT

- when ya don't have enough staff
- when ya don't receive pats on the back
- when ya don't have proper compensation(\$\$\$)
- when there's OTHER stressful forces at work

the resident is going to be the obvious loser.

Trena Heil  
Local 114, OPSEU  
London

It is only the two female-dominated categories in the public service that will actually see salary rollbacks. They trusted the government's word for more than a one year contract and now know the value of the government word.

By rolling back a clerk or secretary's pay increase by \$20. a week means a great lack in the ability for these families to buy new appliances, hire tradesmen for home repairs, buying a new car, or sending the kids to college. When these things can't be accomplished more jobs are lost as the demand for new goods and services falls further.

It seems the 5% restraint is a double slam. It not only is unfairly imposed upon us but also creates discontent among staff by creating wage disparity. 5% of \$40,000 is \$2,000 while 5% of \$15,000 is \$750.



Theresa Houston, Unemployment Help Centre  
Kingston

Our workers and unemployed workers are losing their homes through high interest rates and unemployment.

Massive unemployment is caused by poor planning and bad policy makers, total mismanagement.

The unemployed are the victims in this malaise the victims of poor policy makers.

We are asked to tighten our belts, what belts? The unemployed are fighting for survival. We are asked to lower our expectations, what expectations. The unemployed are struggling to exist.

There is no doubt we have a sick economy, but what do our policy makers decide "cutbacks" this helps to create a sick labour force, workers are falling out of the labour market because of excessive work loads.

Our psychiatric hospitals are diminishing at an alarming rate, again with great job losses. Our sick are being forced onto the streets to fend for themselves. Ghettos are being created with these sick people who cannot attend to their own basic needs, being placed in a vulnerable position to praxters and dippers. Are our Governments shrugging off their responsibilities to these sick people? Are these unfortunate people not protected by our new Constitution? Do they have no rights?

Larry Lameront, Local 440, OPSEU  
Kingston

Contrary to popular belief, Government employees are part of the labour force working for average wages but most of all, we are consumers who and as much to the economy as any other labour force. So please explain how restraining our wages will help to stimulate the economy when actually all you are doing is reducing our buying power?

How can the Government break contracts that were negotiated in good faith and roll back wage increases that were ratified by the membership and signed by Management Board of Cabinet? Can't imagine the civil unrest in this Province if all employers had the authority or should I say Political Clout to treat their work force as this Government is treating its employees? This type of action can only contribute to low morale among Government employees with the end result being a low productivity level and an increased cost to the tax payer.

Bente Miller, Local 432, OPSEU  
Kingston

One individual earning \$316/week with two children whose husband has just been laid off has mortgage payments to make, must pay the ever escalating cost of home heating fuel and food and clothe her children although her husband is receiving U.I.C. benefits they will not last forever.

Another clerk earning \$322/week is a single parent with two children. She must provide food, shelter and clothing as well as pay for babysitting services when her children are not in school.

We have several women earning \$347/week who are single income earners nearing retirement age just 2-4 years away. This program of 5% is going to affect their pension as it is based on the best five years. Is it fair to ask these employees who have put many years of service in to suffer as a result of the 5% eating away at their pensions? I think not.

Linda Liddle, OPSEU Local 418  
Kingston

I perceive recent government decisions like wage controls to be harmful to the future of Ontario and our rights that we have negotiated in good faith over the past ten years. The persons that the government are hurting are not only their loyal employees but the members of the public we are committed to serve.

The government is hurting small business people, old age pensioners, the unemployed, hospital patients and the safety and well being of all Ontario residents.

The government is not dealing with the serious economic and social problems of Ontario society. Wage controls will not stop layoffs, inflation and high interest rates. The Conservative government is demoralizing the youth, unemployed and pensioners who have built this province.

Scapegoating public employees for Ontario's economic ills will not make the sick patient well. Ontario government workers are not the reason for the sickness in Ontario society. As a worker in the educational field, let me assure everyone that we are not underworked or overpaid. The reverse is true, we are in fact underpaid and overworked.

Sandra Laycock on behalf of the Political Action Committee of  
the Kingston and District Labour Council  
Kingston

As a Labour Council, chartered by the Canadian Labour Congress, we represent over 9,000 workers in the city and district. We are not only concerned about wages: we are also concerned about the erosion and removal of our rights. There has been a progressive attack on the rights of trade unions dating most recently from the Anti-Inflation Board 1975-1978. The A.I.B. legislation was passed by the federal Liberals in october 1975. This effectively suspended the free collective bargaining rights of labour. It also rolled back hundreds of millions of dollars in wages. Few prices were rolled back and inflation did not slow down.

The Crown Employees Collective Bargaining Act was passed by the Conservative Government of Ontario in 1972. This Act denied the legal right to strike and limited bargainable items such as technological change, organization of the work place, discipline dismissal etc. This Act applies to 90% of provincial government-employees.

Union security is also under attack. The number of first agreement strikes in Ontario rose from 20 in 1978 to 45 in 1979 - an increase of over 100%.



Ron Kelly, OPSEU Local 417  
Kingston

To the staff and students in this college as in all twenty-two colleges across Ontario, this Act is not an inflation fighter! It is not a simple one-year remedy designed to combat fluctuating interest rates, subnormal productivity, pumped-up prices, unacceptable unemployment and stagflation in our province's economy.

To the college staff and students, Bill 179, albeit unintentionally, will deny students a quality education, will discourage faculty, and will fuel an undesirable adversarial relationship between faculty and administration.

Ontario's community colleges are an enviable resource in this province. the development and growth of the colleges is a success story that this province can be proud of. In the past 15 years, since the colleges were founded, our colleges have helped more than a million students acquire the skills and knowledge necessary for productive, rewarding careers.

Today more than 135,000 full-time students and more than 650,000 part-time students look to Ontario's colleges of Applied Arts and Technology for higher education.

Dr. Bette Stevenson, Minister of Colleges and Universities recently in Vancouver stated: "The CAAT system is not only flexible but it is also efficient. A recent study shows that productivity gains of more than seven percent annually have been realized over the past three years."

The teachers, librarians and counsellors are proud of the role they have played in this success story. But all growth brings growing pains. This year the college system is "bursting its seams." An enrollment increase of 9.8 percent at community colleges throughout Ontario has forced some colleges to hold night and weekend classes to cope with an unprecedented flood of students. At Humber College 15,000 applicants were turned away this year. Their buildings are full, morning, noon and night. They are running three full-time programs on weekends only, from Friday night to Sunday night. At Mohawk College in Hamilton, some students will attend classes full-time on the night shift.

To further accommodate this flood of students, many are attending classes in converted factories, public schools and any other space the colleges have been able to rent. At Seneca there are 50 portables on its Finch campus alone and the College has rented three nearby public schools. This dramatic increase in space utilization has been a major factor in heading off the burgeoning demands of an ever expanding student population.

Ron Kelly, OPSEU Local 417  
Kingston

Every college - large or small - reflects this growth. It isn't a one year phenomenon. The growth has been continuous throughout the 15 year history of Ontario's colleges.

The college facilities show the wear and tear! The scars borne by the faculty are less obvious! Too many students in too-small classrooms and ill-equipped out-dated laboratories is destroying the morale of the teachers, librarians and counsellors in our colleges. As a member of the provincial negotiating team I have heard so many horror stories that I should be hardened. I am not. I am concerned that there isn't any evidence that administrators are prepared to call a halt to the crowded classrooms before the health of faculty is irreparably damaged.

This past summer, at the negotiating table, my colleagues and I at the negotiating table sought discussion on class sizes, hours of work, duration of working days and weeks, work related to instruction (i.e. course preparation, student evaluation, curriculum development, special assignments such as high school liaison and academic counselling.)

The passage of Bill 179 will end these discussions. In fact, the anticipation of possible government restraint has cast a shadow over negotiations during the months from May to August 1982.

Bill 179 is designed to curb salary demands. For the colleges, Bill 179 signals an end to collective bargaining on the faculty's first and foremost proposal - WORKLOAD!

Last May, the CAAT Academic bargaining team presented extensive proposals to management on the issue of workload. It is a complex issue which was last discussed in depth in negotiations in 1974-75. For reasons which aren't relevant to this paper, workload was not fully addressed in negotiations until this year. As I have said earlier, no progress was achieved. Because of Bill 179, progress won't be achieved, can't be achieved. Yet the colleges will still be expected to grow next year and the year after and the year after that. Who among you would vote to limit enrollment in the colleges?

Who among you would deny higher education to your sons and daughters, your brothers and sisters, or yourselves?

Financial constraints imposed since the mid-seventies have already made a college education inaccessible for thousands. In 1980-81 over 50,000 potential students had to be turned away from our colleges. The classes were filled. If all qualified applicants were admitted, the college system would have to expand by an extra 25%. Because of underfunding these potential students are denied accessibility, though qualified. This year again, applications outstripped first-year positions by 50,000.

Ron Kelly, OPSEU Local 417  
Kingston

The implications of fiscal restraints are that colleges will become increasingly unable to take all of the students wishing to benefit from a college education. Colleges will have to be more selective with respect to qualifications. The system may no longer be able to afford to take marginal students who would add to increasing attrition statistics.

Because of financial restraint, community colleges are being forced to change the original concept of the "community" as envisaged when the CAAT system was founded. Accessibility is becoming less so.

Higher education is a public service in societies like ours that depend on science and technology. Higher education fosters equal opportunities.

The proposed restraint program will hit higher education in ways which surely weren't intended. A 5% increase in funding must force colleges to close the doors to thousands of applicants! And this on top of a restraint program which has hobbled the colleges for years! Annual operating grants to the system have not kept pace with inflation. In five years, the Ontario government has allowed its financial support for colleges to fall more than \$50 million short of requirements.

A recent government task force stated that "some valid and necessary college services can no longer be provided." While increases in the Consumer Price Index have risen 59.5 percentage points from 1976-77 to 1981-82, increases in provincial operating grants have increased only 43.1 percentage points, or a difference of 16.4%.

The introduction of Ontario's public restraint program in 1975 was designed to reduce inflationary pressure, to allow the private sector more room to expand to reduce the level of provincial debt.

Are we seeing the erosion of post-secondary education? The views of the Ontario Public Service Employees Union are that since 1975 there has been a steady decline in the quality of education in the community college system. This erosion of post-secondary education has been the consequences of the fiscal restraint strategies of both the federal and provincial governments and the current provincial/federal arrangements.

An examination of the operating support in terms of constant dollars for full-time equivalent students reveals that in 1978 the colleges received \$2,240 per F.T.E. student. In 1981, the colleges received \$1,820 - or a reduction in real dollars of \$420, or 20 percent.

So we have appealed to the government. Our appeal is made with the quality of education in mind, with the viability of

Ron Kelly, OPSEU Local 417  
Kingston

colleges as one concern, the accessibility to students as the second concern, and the health and productivity of our teachers, librarians and counsellors as the third concern.

Bill 179 is intended to limit salary increases but, if passed, it will limit access to our colleges and it will eliminate meaningful discussions between the faculty and the administrators on the very important issue of workload.



Ed Scott, Representative of the Canadian Union of  
Public Employees  
Kingston

CUPE feels like the spectator in the shoot out at the OK Corral. We've got the federal government which bargains in bad faith with its employees and pretends it is reaching settlements and then goes back and passes legislation to change it. We've got our brothers and sisters in the provincial organization which meet with their government to negotiate collective agreements when the government knows full well they are going to go back and take away those things which they have just agreed to at the bargaining table. The problem with us is that we are the third party or the other public sector union which represents employees working in municipalities, school boards, hospitals, etc. throughout the province. We find ourselves in a position where our employers, in fact, haven't done this to us. I am not suggesting for a moment that there are many trustees or aldermen, etc. on different boards who are overjoyed with this legislation. The fact of the matter is that they do have the opportunity of hiding behind Bill 179, in the case of the province, and behind Bill 124, in the case of the federal sector counterparts.

In this community, and I hope all the employers in this community will understand that something in the area of 97% of the people we represent are eligible for the thousand dollars. And I hope that those employers will quickly agree that the thousand dollars is only fair to the provincial government's problem. We are the low income people. We are the people who are suffering. To my friend sitting beside me, he well knows that in this Frontenac Board of Education and maybe the Minister of Education in Toronto would like to know, teaching assistants that start working for the Frontenac Board on an annual basis, working full time in accordance with Bill 179, start at \$7,200 per year. Now, I don't know where this Minister is going to take us because if below \$20,000 is low pay; below \$15,000 suffering; below \$10,000 is bad, terrible; what's below \$8,000. Where does that set that person.



Pat McDonald, UAW Local 1837  
Kingston

Controls will create all kinds of frustrations among workers and their families who are controlled but find that they are still paying higher prices for their household purchases.

The small businesses in our community rely heavily upon the public sector as their largest customer, especially now when the private sector is experiencing massive lay-offs and a large number of those that are unemployed are running out of unemployment insurance benefits and getting on the welfare roles.

As the public service employees begin to feel the squeeze of controls in their pockets, they will purchase only the necessities, leaving a smaller demand on the supplies of the small businessmen, causing them to cut back on their staff creating further unemployment.

Bill 179 denies the public sector unions the role they must play in society, that of defending their membership and improving their living and working conditions, by taking away the fundamental democratic right of free collective bargaining. The ultimate result will be the disillusionment of the union members as the unions become impotent and a mere buffer for the government.

Brian Moore, OPSEU Local 407  
Kingston

Even though these controls are not in effect as yet, a great majority of our Local have curtailed the purchase of goods and services that they normally would have bought, in the knowledge that should these 5% controls come into place, with the inflation rate remaining high, they will effectively be taking a cut in salary. Our membership is well aware that they are fortunate to be employed in these troubled times, however, when the government proposes holding the public service wages to a 5% increase, they are limiting the purchasing power of this group, which can only lead to further layoffs in industry, creating an additional burden on the Government in terms of unemployment and welfare benefits. We feel that the Government of Ontario should be leading the country in these difficult economic times, by maintaining the purchasing power of its employees, and perhaps encouraging other employees to boost the economy by the complete elimination of the provincial sales tax.

LIST OF INDIVIDUALS

AND ORGANIZATIONS PRESENTING BRIEFS

H A M I L T O N

Wayne Pierce - Simcoe & District Labour Council

Terry Ducarme - OSSTF - Hamilton District

Dan Grant - Local 1005 Steelworkers

Professor Robert Storey - Labour Studies Department,  
McMaster University

Darlene Mosca - OPSEU - President of Local 216

Jim Allen - OPSEU Local 240 - Mohawk College (Academic)

Kathy Galvin - OPSEU - President, Local 201

Mike Skinner - Hamilton/Niagara Labour Coalition for Jobs

Madeleine Lapointe - OPSEU - President, Local 245, CAAT Support

Alyth Mutart - President, Hamilton Women Teachers Association

Al Baldwin - OPSEU - Local 211

Helen Kirkpatrick - OPSEU - Local 203

Tom Davidson - Labour Consultant

ORILLIA

Roger Pretty, Concerned Citizen & Teacher

Betty Ford, Secretary, Peterborough Labour Council

Linda Spry, Local 339, Peterborough Health Laboratory

Ethel LaValley, Single Parent, Local 306, Ministry of  
Natural Resources

Mike McMurter, System Analyst, Local 323, Huronia Regional  
Centre, Orillia, Ontario

Larry Folz, Correctional Officer, Local 313, Barrie, Ont.

Irma Murray, Clerical Worker, Local 323, Huronia Regional  
Centre, Orillia, Ont.

Dona Thompson, Single Parent, President Local 323,  
Huronia Regional Centre, Orillia, Ont.

Doug Lloyd, Lakeshore Area Council, Port Hope, Ont.

Howard Raper, Orillia & District Labour Council, Orillia, Ont:

Paula Buck, Kawartha Lakes Area Council

Terry Baxter, President Local 308

Wayne Shred, Vice-President, Oshawa & District Labour Council

Brian Hare, Institutional Care Worker, Local 323,  
Huronia Regional Centre, Orillia, Ontario



NORTH BAY

Muriel Ethier, Local 628, Sudbury

D. A. Harasymiw, Local 627, Sudbury

Joe Fitton, President, Local 616, North Bay

"Tex" Barron, E.B.M., Sault Ste. Marie

Garnet Rowe, E.B.M.

Billie Rheault, Local 664 on behalf of Diane Gauthier,  
Local 630

Jack Richardson on behalf of Local 632, Timmins

Jack Richardson on behalf of Fred Nice, President, Local 649,  
Timmins

Merle Dickerson

Lisa Miller, President of Laurentian University Support  
Staff, Sudbury (L.U.S.S.A.)

David Doyle, Regional Representative P.S.A.C., North Bay

Eunice Saari on behalf of the Nipissing Women Teachers  
Association, North Bay.

Roy Storey on behalf of the North Bay Women's Resource  
Centre.

Frank Rick, President, Local 636

Heather Murray, Secretary, Local 636, Member of Office  
Services Negotiating Team

Al Craig, President, Local 658, Canadore College Support Staff

Richard Banks, Local 627, Elliott Lake, Former employee  
of Chest Clinic transferred to Ministry of Labour.

Leslie Lecour on behalf of Bob Whitworth, Vice-President,  
Local 635

Wayne Campbell, President, Local 625

Local 643

Monique Fuchs, Local 614

S. Gour, Local 614

Cherylyn Speirs, Local 614

Pierrette Belange, Local 614  
M. Lalancette, Local 614  
L. Vitols, Local 614  
V. Joly, Local 614  
J. Masse, Local 614  
D. B. Phillips, Local 614  
John Somerville, Local 614  
Pauline St. Onge, Local 614  
P. Laurence-Rovinelli, Local 614  
L. Bailey, Local 614  
H. Remieux, Local 614  
Aubrey G. Smith, Local 614  
L. Davis, Local 614  
J. Taylor, Local 614  
Rita Mantha, Local 614  
M. St. Pierre, Local 614  
Edward Tate, President, Local 614  
Claudette Boire, Ministry of Labour, Local 630  
T. O'Brien, Local 628, Ambulance Service  
Susan Bedard, Local 628, Sud. Ambulance Dispatch  
Myriam Blais, Local 628, Central Ambulance Dispatch  
Jean Maguire, Local 628, Sudbury  
Rick Van Oat, Local 628, Ambulance Dispatcher  
J. Henri, Local 628  
Elizabeth Owen, Local 628  
Laura Reid, Local 628  
Mary Ellen Cronk, Local 628

Angelika K. Ainsworth, Local 628

P. McFaul, Local 628

R. Salvador, Local 624

Carmen Jennings, Local 624

Anne Haapamaki, Local 624

T. Sprunt, Local 624

Bill Kuehnbaum, Local 655

and others

LONDON

Elaine Brubacher, Local 144, OPSEU

Ontario Public School Teachers' Federation, London District

Russel Pratt, National Representative, Energy and  
Chemical Workers Union

Bev Parker, Local 130, OPSEU

Hubert Duhamel, Residential Counsellor at Oxford Regional  
Centre, Woodstock

London and District Service Workers' Union, Local 220

Bill Dennis, P.S.A.C.

Mary Town, Local 117, OPSEU

London Women Teachers' Association

Alex Kreiter, Local 117, OPSEU

Ontario Secondary School Teachers' Federation, London

Trena Heil, Local 114, OPSEU

Betty Pearson, Local 117, OPSEU

Local 143, OPSEU

Brian Sharp, Presidnet, Local 127, OPSEU

Wally Krawczyk, Local 125, OPSEU

Wally Krawczyk for Jean Norris, Local 124, OPSEU

Tim Souchereau, Local 135, OPSEU

D. Montgomery, Local 133, OPSEU

John Starkey, Acting President, The Faculty Association,  
The University of Western Ontario, London, Ont.

Elaine McTaggart, Local 101, OPSEU

Roy Hannon, Local 111, OPSEU

London Psychiatric Hospital, Local 111

Frank Green, President, Local 110, OPSEU

London and District Area Council

Local 142, OPSEU

KINGSTON

Bente Miller, Local 432, on behalf of the clerical and office workers in OPSEU.

Ossie Ricketts, Secretary of the Ontario Secondary School Teachers Federation, District 20

Larry Lameront, Local 440

Theresa Houston, Unemployment Help Centre, Kingston

Ed Scott, Representative of the Canadian Union of Public Employees

Sandra Laycock on behalf of the Political Action Committee of the Kingston and District Labour Council

Bev Allan, President of the Support Staff, Algonquin College, Ottawa

John Sparks on behalf of the New Democratic Party -  
brief read by Bente Miller

Ron Kelly, Local 417, on behalf of the CAAT (Academic) staff

Linda Liddle, Local 418, on behalf of the CAAT (Support) staff at St. Lawrence College

Pat McDonald, member of the United Auto Workers, on behalf of the private sector



TORONTO

Gordenna Brown, Union Counsellor, OPSEU Local 548

Susie Vallance, President, OPSEU Local 561

Eric DePoe, Vice President, Toronto Local, CUPW

Joseph C. Grogan, OPSEU Local 562

Rosemary Tait, President, OPSEU Local 525

Joyce Sulliver, OPSEU Local 532

Joan E. Anderson, Local 532

Charles Trumble, Chairperson, M.T.C. Division

Kevin Moloney, President, CUEW

Ontario health Coalition

CAAT Support Staff Bargaining Team, OPSEU

Gord McLennan, Chairperson, The Metropolitan Toronto East  
Area Council of the OPSEU (Region 5)

Victoria Corbett, President of the Borough of York Women Teachers

and others

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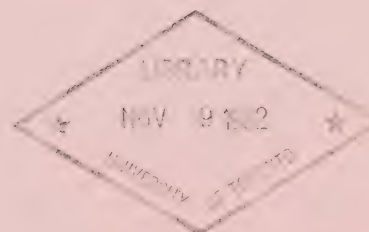
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Publications

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

INFLATION RESTRAINT ACT

MONDAY, NOVEMBER 1, 1982

5



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breaugh, M. J. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Elston, M. J. (Huron-Bruce L)  
Eves, E. L. (Parry Sound PC)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Stevenson, K. R. (Durham-York PC)  
Swart, M. L. (Welland-Thorold NDP)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitutions:

Bradley, J. J. (St. Catharines L) for Mr. Breithaupt  
Conway, S. G. (Renfrew North L) for Mr. Elston  
Cooke, D. S. (Windsor-Riverside NDP) for Mr. Swart  
Kolyn, A. (Lakeshore PC) for Mr. Piché  
Mackenzie, R. W. (Hamilton East NDP) for Mr. Breaugh

Also taking part:

Jones, T., Parliamentary Assistant to the Treasurer of Ontario and  
Minister of Economics (Mississauga North PC)  
Miller, Hon. F. S., Treasurer of Ontario and Minister of Economics  
(Muskoka PC)

Clerk: Arnott, D.

Witnesses:

From the Association of Municipalities of Ontario:  
Carroll, M., Mayor of City of Waterloo  
Dunbar, M., Executive Director

From the Confederation of Ontario University Staff Associations:  
McNeill, S., Executive Secretary  
Schmid, B., Executive Member, York University Staff Association

From the Dufferin County Elementary Teachers:  
Bissell, B., President

From the Ontario Secondary School Teachers' Federation,  
District 26, Ottawa:  
Hicks, M., Past President

From the Ontario Secondary School Teachers' Federation,  
District 30, Sault Ste. Marie:  
Agnew, J., District Collective Bargaining Officer  
Heximer, J., District Vice-President  
Whitehead, J., District President

From the Ontario Secondary School Teachers' Federation,  
District 46, Oxford County:  
Connor, R., Member  
Hughes, D., Past President

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Monday, November 1, 1982

The committee met at 3:24 p.m. in committee room 1.

INFLATION RESTRAINT ACT  
(continued)

Resuming consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: Seeing a quorum in place, I call the committee to order. I am advised that the parliamentary assistant will fill in for the Treasurer (Mr. F. S. Miller) for a few minutes. The Treasurer has an important meeting at 3:30.

Next, we had a motion from Mr. Watson last Wednesday which went to the House leaders. I was advised by the government House leader just before routine proceedings finished that the House leaders were unable to come to any agreement because one of the parties was not in agreement with the motion. Therefore, since it was in the form of a request, Mr. Watson's motion to come to an agreement has fallen on deaf ears. I don't know how to put it any better.

Mr. Cooke: Perhaps a better way of putting it is that the deal offered was two days more of committee hearings for an agreement of closure at the end of three days of clause by clause. That is not something my party was willing to support.

Mr. Chairman: I think it was in quite different words than that.

Mr. Cooke: No, it wasn't.

Mr. Watson: I beg your pardon, it was. There were no dates put on--

Mr. Cooke: I'm talking about your motion and how it was discussed at the House leaders' meeting, so don't play those damn games any further. You know what kind of games you and the Liberals were playing.

Mr. Chairman: Gentlemen, we have no idea what the House leaders discussed, outside of the fact that they could not agree.

Mr. Mitchell: Mr. Chairman, there was no intention on our part on fixing a time to it. It was clearly the request that the House leaders give us a time frame, so we could adjust the balance of the time for the rest of the public hearings and then going clause by clause.

Quite frankly, we had not suggested any specific time. If it

got that way, that it would be three days or whatever, we were probably talking in the area of somewhere around 10 days in total time, but I stand to be corrected on that.

We are under direction and unless the House leaders can reach agreement on that we are under direction as to what process we can follow at this meeting today.

Mr. Chairman: Mr. Mitchell, I think the subject is completed. The House leaders could not come to an agreement and that's the end of it.

Next, Mr. Renwick asked me--I'm going to say it was Friday morning, yes, it was. It was following the pleasantness of Thursday night, so it was Friday morning. Mr. Renwick asked if this committee will be sitting on the Wednesday preceding Remembrance Day, which would be November 10.

After that time, you heard the comments of the government House leader referring to the House not sitting certain days between Tuesday night, November 9, and the following Monday afternoon and leaving it to the committees to arrange their own business on that Wednesday, November 10. What does this committee wish to do?

Mr. Cooke: I suggest we should not sit that day because some members have Remembrance Day ceremonies early Thursday. It may be easy for you and I and other members relatively close to Toronto to get back, but it's not easy for all members of the committee. It seems to me that's a reasonable request.

Mr. Mitchell: I really don't know what the rule is. I know when the motion was tabled in the House it left it to the committees' discretion. Our members individually have discussed it. I'm led to believe, however, in respect of this committee it might need a separate and special motion.

Speaking for myself and having talked to a number of members as well, I think we would concur it's our feeling that some of us do have great distances to travel. I don't know whether that is within our authority. I'm not clear on the rules.

Mr. Chairman: There are no rules. It is up to us entirely to arrange our own business. Is there any further discussion?

Mr. Mackenzie: It is my understanding--and correct me if I am wrong--that a request or a motion would have to come into the House because this committee's hours were set. The request would have to come from this committee.

Mr. Chairman: No, having listened to the government House leader on Friday morning, he gave words of explanation to the Speaker following his motion. Those words of explanation stated that it is up to each committee to arrange its own time. He didn't specify the justice committee as such.



I am taking it that his motion takes precedence over his previous motion. If I am incorrect, then perhaps we should--

Mr. Cooke: Okay, I will so move then.

Mr. Chairman: Mr. Cooke moves that we not sit on Wednesday, November 10. Any further discussion?

Mr. Wrye: When would we sit next?

Mr. Chairman: We would sit all regular times.

Mr. Mitchell: The following week.

Mr. Chairman: That's correct. We will not be here on Remembrance Day either, or Friday, because the House is not sitting, right.

Mr. Wrye: If I could ask the mover--I know what you're getting at, but might I ask you--to indicate through your motion when the committee would next sit. Would it sit the following Monday after routine proceedings or the following Tuesday after routine proceedings?

Mr. Cooke: We won't be sitting Monday. We'll be sitting Tuesday, Wednesday and Thursday.

Mr. Mitchell: In the light of the comments made by Mr. Mackenzie, might I ask that that particular motion be held at this point, to clarify it? I am trying to clarify it in my own mind. I am sure Mr. Mackenzie would like it to be clear.

Mr. Chairman: Would you withdraw it then, Mr. Cooke, until we have clarification?

Mr. Mitchell: I'm not asking it be withdrawn. I'm just asking it to be held until we get clarification.

Mr. Cooke: Sure, let's get on with the bill.

Mr. Chairman: Thank you, Mr. Cooke. It is withdrawn. We will clarify that further.

Mr. Wrye: May we speak to that before we adjourn today?

Mr. Chairman: Yes. Will each of you discuss with your parties your understanding as to that date?

Mr. Wrye: While we are on that, is it the committee's understanding that we not sit a week from today, that we would not be sitting Monday, November 8?

3:30 p.m.

Mr. Chairman: This is the only Monday we sit.

Mr. Wrye: Okay, that's fine.

Mr. Chairman: The next group is the Association of Municipalities of Ontario. This is exhibit 76, and you will recognize these people as having been in front of us last Thursday night. Thank you for your deference to the Federation of Metro Tenants' Associations.

Mr. Brandt: I would like to say, Mr. Chairman, that we appreciate AMO's consideration in setting aside their time on Thursday, particularly in the light of the fact that we went until close to 1:30 that morning. It would have been rather awkward to have heard your brief that day. Your agreeing to delay until today is much appreciated.

Mr. Chairman: Mayor Carroll, will you carry on, please.

Mayor Carroll: Yes, thank you, Mr. Chairman. I would like to introduce the people who are with me today to assist in answering any questions. On my right is Jean Cormier, AMO's manager of labour relations. On my left is MacDonald Dunbar, the executive director of the Association of Municipalities of Ontario. I am the mayor of the city of Waterloo and co-chairman of AMO's municipal labour relations committee.

I would like to apologize for the fact that Mr. Jack Yeo was unable to come today at the last moment. He also planned to be present.

Before commencing with the presentation, I wish to express the appreciation of the association for the opportunity to meet with the committee. In addition, I would express the regrets of the president, Mayor Gerald J. Parisien, and other members of the executive who would have joined with us today. I am sure you will understand that November 8 mandates other obligations and priorities for a number of the association's executive. I happen to be one of the fortunate ones. There has been acclaim.

I do not intend to read the brief in its entirety. However, I would like to highlight the areas we are concerned with. Having reviewed the proposed legislation and in view of the resolution which was adopted by the 1982 AMO annual conference, the association wishes to commend the government of Ontario for what appears will result in a most efficient restraint program. The association believes these control methods are mainly straightforward and should result in implementation requirements far less cumbersome than the Anti-Inflation Board controls initiated by the federal government in the mid-1970s.

However, the association does wish to record certain concerns with respect to specific provisions within the proposed legislation. As well, it wishes to offer comment on the proposed program as it applies to local government as a partner and a participant within the public sector restraint process.

The proposed legislation provides that contracts expiring during the control period are automatically extended for a 12-month period and further stipulates the amendments to be made to the compensation plan at the time of renewal. This tends to automatically suspend the right to strike, lockout or recourse to

arbitration and yet no such provision can be found in the legislation.

The association believes the omission of such a clause potentially leaves the issue open to debate and perhaps subsequent legal recourse. For this reason, the association believes that a provision should be included in the legislation. For example, a simple statement similar to that contained in the overview prepared by the Ministry of Treasury and Economics would actually clarify the government's intent.

The statement referred to reads as follows: "Recourse to strikes and to binding arbitration will be suspended since a contract is always in effect." To further substantiate the government's intent, we would make reference to section 15 of the bill where provision is made to amend any terms and conditions of the collective agreement other than compensation rates or other terms and conditions of the compensation plan by agreement only.

One would automatically assume that if amendments cannot be mutually agreed upon by the parties then the existing terms would continue. The association therefore recommends a no-strike, no-lockout and no-arbitration clause which will more adequately express the intent of the government.

Second, the association notes the proposed legislation does not contain specific reference to a sunset provision. The association would therefore recommend that an expiry date be inserted into the legislation. That date would be September 30, 1984.

Clause 6(1)(i) applies to compensation plans to privately-owned, para-public-sector companies contracted to or funded by the province, a municipality or other government agency for the provision of public services. Concern has been expressed to the association that, where such contracts provide an annual escalation feature during the term of the contract, that the benefit accruing to the referred contractor resulting from the application of the restraint program to employees' compensation plans may not be passed through to the contracting municipality.

The association urges the justice committee to examine this question and to make such necessary revisions to the legislation in order to ensure that the results of the program are indeed passed through to local government.

I would now like to comment on inflation restraint process and the fiscal impact on municipal governments.

As stated previously, the association has gone on record as supporting wage and price restraint in the public and private sectors and has recorded its willingness to work with the government of Ontario with respect to such matters as would apply to the municipal government sector of the economy. In this connection, while the association recognizes the current difficulties of the province with respect to fiscal resources it would suggest that the municipal property tax base, that is for the greater part of the municipal sector, is already constrained



and contains little, if any, opportunity for flexibility within the decision-making process. In addition, municipal governments have, over the past number of years, carried out a program of fiscal restraint with respect to municipal government expenditures, that is, to the best extent possible given the limited authority of municipal government over mandated programs by the province and the spending of special-purpose bodies, boards and commissions.

However, in supporting the proposed provincial program, the association suggests that public sector restraint will also require important commitments on the part of the government of Ontario and its special-purpose bodies and commissions. To this point the association suggests that what is required is a co-ordinated approach within the ministries of the government when dealing with government programs affecting municipalities.

If provincial transfer payments are to be restrained in recognition of the reality of the province's present fiscal difficulties, then every effort must be made to avoid the shifting of provincial program costs to the municipal level.

I would like to list a few, but not all, of the examples with respect to the foregoing:

Application of new sales tax provisions upon the local government sector.

Increase in Ontario hospital insurance premiums.

Rate adjustments to provincial mandated programs, for example, the general welfare assistance benefits.

Proposed integration of family benefits and general welfare case load and the administrative costs.

Cost implications of new provincial programs; for example, the Health Protection Act, and core health programs.

Minimum standards for fire protection under the Occupational Health and Safety Act, particularly as it applies to smaller municipalities and voluntary fire service establishments.

Provincial initiatives in deinstitutionalization.

Ministry program reviews; for example, the proposal of the Ministry of the Environment to transfer responsibility for private sewage systems to municipal governments without compensation.

All of the foregoing represent a cumulative and important impact on municipal government operations and transfer additional and heavy responsibilities upon an already constricted property tax system. In the spirit of the program, it appears appropriate to the association that a moratorium should be applied by the government of Ontario to the transfer of additional program costs during the period of restraint.

With respect to the minister's announcement to the 1982

annual conference of the Association of Municipalities of Ontario on transfer payments and the public sector restraint program, the association wishes to draw to the government's attention the following points.

Most municipal employee compensation plans will now escalate in accordance with the provisions for the major control year period, October 1, 1982, through September 30, 1983. However, some public sector contracts--our major concern is with health units, homes for the aged and boards of education--will fall under the transitional provisions of the legislation, whereby agreements with expiry dates prior to October 1, 1982, will be permitted to increase the compensation plan to an upward limit of nine per cent.

3:40 p.m.

At this time it would appear to the association that it would be extremely unusual for any of these transitional settlements to be below nine per cent. Therefore the association would urge the government of Ontario to take into account such factors as the transitional provision when dealing with 1983 transfer payments.

The association suggests that recognition must be given to the fact that the major restraint period for persons falling within this area of the program will not be implemented until the latter part of 1983. There will be additional pass-through costs, over and above the limitations expressed in the restraint program, which will impact upon the municipal budget process.

The association proposes that the level of the transfer payments to the municipal government sector should not only take into consideration the foregoing, as well as the additional responsibilities already placed upon municipal budgets by the government of Ontario, but should be, at the very least, commensurate to the overall objectives of the government's restraint program.

The association therefore requests that the government of Ontario provide transfer payments, both conditional and unconditional, at a level that will meet the existing and future obligations of municipal government on a fair, and I repeat, a fair and equitable basis.

Another matter that we have had some concern with is the post-control period. Some thought on the part of the government and the municipal sector should be had to the possible impact on the municipal sector during the period of post controls. In this regard, AMO proposes that consideration of this question include examination and response to the 1980 AMO paper on compulsory and binding arbitration.

The association requests clarification with respect to the issue of administered prices and the term "economic criteria" by which price increases shall be reviewed.

If there are to be future initiatives taken on the part of



the government of Ontario with respect to the foregoing, which will have an impact on the municipal government sector, then AMO would request the opportunity to consult with the province on these.

The basic thrust of our presentation today is that we are in support of the bill.

Mr. Wrye: Mayor Carroll, if I could go back to the first recommendation that you have made on page 4 where you recommend an explicit no-strike, no-lockout and no-arbitration clause, rather than the general section we now have which, as I read it, just says that everything stays in place unless by mutual agreement there are changes in the nonmonetary side.

A number of witnesses have come forward to this committee to indicate that, as things stand now, most employers are indicating to their employees when they go to bargain that everything is monetary. The concern I would have, even with what is in the bill now, and certainly with the more explicit section you have suggested, is that there simply will not be any bargaining, either for nonmonetary or what I would call noncompensation issues, during the next 12- or 18-month period.

From your perspective as the mayor of a fairly large municipality, and as the co-chairperson of the labour relations committee, perhaps you could comment on that concern.

Mayor Carroll: The fact it is not clearly explicit in the legislation was of some concern. We are concerned that there may well be arbitration allowed on--I suppose it could be debatable, what are nonmonetary issues--no contracting-out clauses, perhaps long-term manning clauses, that may not affect this year or next but in the future would have an effect.

That type of thing is certainly of concern. Clauses regarding job security and those kinds of issues could be inserted into negotiated or arbitrated settlements that would, in the long run, in years to come, translate into monetary issues but at the time being may not be considered monetary issues. That was our concern, particularly no contracting-out clauses. Management rights was another one, too.

Mr. Wrye: And so would grievance procedure; you really could come up with a long shopping list. It seems to me one group on Thursday night suggested a short shopping list of about 20 areas.

Wouldn't you agree with me, given the background you have in labour relations, that we might be doing more harm than good, in that if employees cannot bargain noncompensation issues during the control period, it will make for a very difficult round of bargaining immediately following the control period?

You will have monetary issues on one side, which have been restrained, which will probably make it difficult enough, but there will be a terrible temptation for employers, when their employees come to them with their usual shopping list of

nonmonetary issues, or noncompensation issues, to simply say, "I will see you in a year and a half."

A year and a half later that list is going to be terribly long and the negotiations are going to be terribly difficult and could lead to a lot of arbitrated settlements, more unhappiness and, in some cases where strikes are allowed, for example with CUPE, at least in my community, inside and outside workers, a lot of strikes.

Mayor Carroll: It is our view that a no-strike, no-arbitration, no-lockout clause would not eliminate negotiating other items, as long as it is not taken to the extreme limits of those three areas, to binding arbitration, strike, or lockout. They would still sit and negotiate--

Mr. Wrye: Let us say I am a union leader and I come in to negotiate with you on what I view to be nonmonetary or noncompensation issues and our negotiations go nowhere. What recourse will the union leadership have in, in effect, forcing an employer, in this case your community, to negotiate? What recourse would the employee group have?

It seems to me that under your suggestion they would have none. If they are told no, the answer is no.

Mayor Carroll: Unless it is in areas such as with CUPE or some of the other groups, that they could go to a conciliation level. I think our concern is that it not go to binding arbitration.

Interjection.

Mayor Carroll: In any event, when it is used at any time, I think it is borne out in a number of areas that conciliation has assisted.

Mr. Cooke: Only when they have the right to arbitration or strike.

Mr. Wrye: Let me just go back one more time and suggest to you that okay, we go beyond the conciliation level and nothing happens there. In the past, as my friend from Windsor-Riverside points out, one of the parties could go to arbitration or the employee group could choose to go on strike.

On nonmonetary issues: let me suggest, for example, the VDT issue, which I would consider to be a nonmonetary issue--certainly it is noncompensatory and I would consider it to be nonmonetary--with one of the OPSEU locals. Under this legislation, it seems to me, if the employer said, "I will not negotiate VDT safety," that is it, it is not negotiated, and the employee groups cannot go anywhere with it.

It seems to me, number one, they are not going to ~~get~~ some of their issues negotiated; and, number two, it seems to me there is going to be a very long shopping list of leftover items at the end of the control period, which could lead to a very bitter round

of negotiations immediately following in the first year of post control. Would you not recognize that that could be a problem?

Mr. Carroll: It may well be a problem, but I think to allow binding arbitration or strikes or lockouts with the restraint program just simply would not work.

Mr. Jones: Mr. Wrye, just for the record, this has come up before during the hearings. There is some suggestion that perhaps this legislation was intended to remove some of the progress taking place on safety type matters; you mentioned one on the VDT. That is certainly not the intention of the legislation; there is no prohibition for that to be discussed.

Mr. Cooke: It is just the reality of it.

Mr. Jones: It is not the intent of the legislation.

Mr. Cooke: Thank you, Mr. Chairman, I just have a couple of questions. One is just a matter of clarification where you talk about transfer of cost to municipalities and specifically general welfare assistance. What is your suggestion there if welfare rates go up? You are suggesting then that the 80-20 split be changed?

3:50 p.m.

Mayor Carroll: It is our concern, when it is implemented as well, that to have something come in in October or November of a year, with an additional cost for the municipalities to have to pick up at that period in their budget, is extremely difficult to deal with. I think if there are going to be increases, and it would appear to us that increases are deserved, just when it impacts the municipalities and how we are able to cope with it in our budget process is another matter.

Mr. Cooke: But are you suggesting that the cost sharing should be changed so the province, along with the federal government, pick up a greater percentage of the cost?

Mayor Carroll: First of all, our presentation is that if additional costs are going to be passed on to the local sector, then transfer payments must reflect them.

Mr. Cooke: I have a couple of questions on the idea of contracts and what is happening to them under this bill. In your municipality, when you settle an agreement with the Canadian Union of Public Employees or whatever union it is, who signs that contract on behalf of the city?

Mayor Carroll: The mayor and clerk.

Mr. Cooke: Do you feel any kind of guilt, or have any difficulty at all, in that you signed contracts as mayor of the city of Waterloo, signed those contracts in good faith, went through the bargaining procedure and obviously came up with an agreement that you and your municipality agreed with and felt that your municipality could afford--do you not feel a little bit bad,



a little bit guilty, that those contracts are now being ripped up by this piece of legislation?

Mayor Carroll: I would not consider that this piece of legislation is ripping up those contracts.

Mr. Cooke: Are your employees being rolled back at all by this legislation? Are your contracts extending over to next year?

Mayor Carroll: No.

Mr. Cooke: There are a large number of them though, you would agree, in the municipal sector where that is happening. That is happening across the province where there are two- and three-year agreements where there will be increases that were negotiated for next year that will be rolled back under this legislation. You understand that?

Mayor Carroll: Yes, I am aware of that.

Mr. Cooke: I ask the question again: you understand the implications of this legislation that contracts--negotiations and wages increases that were agreed to, signed by mayors in municipalities across this province--are being destroyed by this legislation?

If those contracts were unfair in that they were higher than what you really wanted to settle for, why did you sign them? Why did you agree to them? Do you not feel that this legislation is ripping up those contracts when agreements and raises that your municipalities have agreed to are being destroyed? There is no other way of describing it.

Mayor Carroll: I am afraid I can't agree with you.

Mr. Cooke: Maybe you can tell me how the agreements that municipalities signed, that will have their rates of pay rolled back next year, how those contracts that you apparently signed in good faith are not being altered unilaterally by this legislation and how that is fair?

Mayor Carroll: I feel any mayor or clerk who signs any agreement is at the direction of the entire council. The Association of Municipalities of Ontario represents most of the municipalities in this province. This position we have taken is supported by AMO, by a large majority, and certainly the representation on the board of directors alone is very indicative of a large number of municipalities, including some that are going to be rolled back.

Mr. Cooke: Can you give me a list of contracts that were signed by municipalities where the workers under the contracts are overpaid?

Mayor Carroll: My goodness, of course I can't.

Mr. Cooke: So what you are saying is that, as far as you

know, the workers that work for municipalities have contracts that were signed in good faith and approved by municipal councils which were fair contracts?

Mayor Carroll: I cannot answer for all municipalities. Certainly there are some municipalities which have been required through binding arbitration to sign contracts they do not want at all.

Mr. Cooke: Right now I am talking about agreements that were signed in good faith by municipalities across this province, signed and agreed to through free collective bargaining without a strike, without arbitration.

Mayor Carroll: I am not sure whether you are asking me a question or whether you are making a statement.

Mr. Cooke: I am asking you whether you can give me a list of contracts that were excessive and therefore need to be rolled back in the interests of this province and those communities and which, therefore, are responsible for those excessive wage increases.

Mayor Carroll: I do not have that kind of information with me today. Certainly, our committee has looked at a large number of contracts in the last couple of years, both negotiated and arbitrated agreements.

We did not come to our position on this bill lightly. I think one has to take many things into consideration. There are certainly going to be people who are hurt, there is no question about it. I have great sympathy, for instance, with CUPE, which has not had recourse in the past to binding arbitration to get some of the excessive settlements that arbitration awards have given.

I also have great sympathy for the taxpayers and great sympathy for the people who are out there struggling to keep their homes.

Mr. Cooke: If, in fact, you have sympathy for the taxpayers then what you are saying is that these contracts were unfair, they were too high, and the municipal councils should not have agreed to them. Why should the province bring in legislation to do the dirty work for the municipalities?

Mayor Carroll: They are not.

Mr. Chairman: I have to draw to your attention that you are going a little far.

Mr. Cooke: I am not. Mr. Chairman, what this brief is saying to us is that the contracts that the municipalities of this province negotiated freely are unfair contracts and they should be rolled back.

Mr. Chairman: I don't think (inaudible) at all, fair or unfair.



Mr. Cooke: If this brief has any credibility at all, there should be an explanation by the AMO as to now the hell they can support this legislation which rolls back contracts they negotiated and signed.

Mr. Chairman: Would you like to ask the question in a slightly different way that does not resemble badgering?

Mr. Cooke: Maybe the workers who work for the various municipalities would like to know how their people, who are elected and who negotiated contracts, could possibly come before us and support this kind of legislation which takes money out of their pockets when the municipalities agreed to pay them. Tell me that that is good-faith bargaining.

Mr. Chairman: I don't really think there was a question there.

Mr. Mackenzie: I just wondered if you feel, speaking for the AMO, that the provincial government should have the right to break any contract or agreement they have entered into with a municipality over the last few months?

Mayor Carroll: Give me an example. What are you referring to?

Mr. Mackenzie: If the government had entered into an agreement for funding for a project within the municipality or whatever, do you think the government should have the right to break that agreement?

Mayor Carroll: I could not comment on that without detail. If a commitment on a transfer payment or something like that were to be faulted then there might be reason to be concerned, but if you are talking about an individual project one would have to know all the circumstances before you could comment on that.

Mr. Mackenzie: Do you believe that in the event of a dispute with the provincial government over the funding for some project you have entered into, the province should have the right to make a unilateral decision without giving any written decision or even giving you the reason for making the decision?

Mayor Carroll: I don't think I have ever had the experience where there has not been a reason. Whether you like the reason or not is another matter.

Mr. Mackenzie: Do you realize that in the powers given to the wage restraint board they not only don't have to give a written agreement, they don't even have to give a reason if there is a dispute based on contract?

This is the third and final question I have. Would the AMO be prepared to guarantee the employment of all of your public servants? That was certainly the rationale given to us for this bill in terms of dealing only with public sector workers, that it

is because of the security they have. Would the AMO be prepared to guarantee the employment of all of its employees?

Mayor Carroll: I do not think that would be possible for anyone to guarantee.

Mr. Mackenzie: I thought you said you want more contracting-out. These provisions, the questions I am asking you, are exactly what they are doing to the people who are involved--

Mayor Carroll: I did not say the municipalities wanted more contracting-out. We want our management rights protected that if at some point in the future a municipality wishes to contract any service out it could still make that decision and would not be bound through binding arbitration.

There is no contracting-out clause that might be bargained for at this point with no monetary implication, but certainly in the long run it would have.

Mr. Brandt: Mayor Carroll, with respect to AMO's position as it evolved over the past while, when did AMO originally start moving towards some kind of support for the concept of Bill 179, restraint legislation, do you recall? I just wondered how far back that went.

4 p.m.

Mayor Carroll: We had extensive discussions at our annual conference in August of this year. In fact, in the preamble of the presentation today is the resolution that was supported by a very large majority. Even in the setting of fees for member municipalities, a recommendation had come in initially from the executive committee to increase the fees to membership municipalities to 12 per cent. That was knocked right back at the conference. When this resolution was passed by the conference, it was sent directly to Mr. Davis, who was then attending the first ministers' conference in Halifax.

Mr. Dunbar: If you are talking about the association's activities in the area of promoting public sector restraint, I think it goes back four or five years when the association started to publish annual reports recommending guidelines for settlements. Those started, as I said, about five years ago and in those documents we recommended to local governments that they attempt to settle usually two or three points below the rate of inflation. That started circulating some five years ago to all municipalities.

Mr. Brandt: I wanted to get to the question that was raised by one of my colleagues speaking earlier with respect to job guarantees and the thrust of this particular legislation and its application in an attempt to save jobs.

If I might be just allowed a very limited preamble before I ask my question, I think part of the rationale from the government perspective is that when you have declining revenue and a downturn in the economy you are dealing with fewer dollars, and one of the ways in which those dollars can be applied is for smaller

increases to be applied over a larger base and therefore to keep more people employed.

From a municipal perspective, if you have a reduction in pass-through revenues from the other levels of government, if you have a limitation, real or imagined, on the part of your council on the kinds of increases you can apply through mill rate increases, do you think, as a mayor of a medium-sized municipality, that you will not necessarily be able to guarantee all jobs, as was suggested by one of the earlier speakers, but that you would be able to perhaps save some jobs by applying lower increases to a larger number of people? I would like your views on that if you would, please.

Mr. Cooke: That question has been raised.

Mr. Brandt: I listened to you without interruption, Mr. Cooke, as you will well recall. I am only asking the question in a somewhat different way. I should be allowed that privilege.

Mr. Cooke: It depends on your question.

Mr. Brandt: I would hope so.

Mayor Carroll: There is no question in my mind that in order to continue operating the municipality, in holding a level of wages, a municipal government is labour-intensive. The largest amount of money that is collected through taxes is spent on labour. The other items that are discretionary in tax dollars are really not nearly of the same consequence. It is the labour part that is the problem for the municipalities. If we are going to be able to hold that, as far as I am concerned, we are going to be able to continue some of the services we have and perhaps continue some of the plans we have which will keep our people employed.

If wages go sky high and we cannot handle it, the only way we are either going to be able to maintain service or even operate with a reduction of service would have to be through some sort of layoffs. Really, the only way I can see that we can continue to operate at a reasonable level is to attempt to hold the wage level.

Mr. Brandt: I appreciate that answer. We are in a period of high unemployment with record levels in many communities right across Canada. I do not know what the numbers are in your own municipality, but I know there are members represented here today whose ridings certainly have unemployment figures that are in excess of 10 per cent.

With respect to the ability of a municipality to raise money, and looking at those unemployed people who are home owners, tenants in apartments and renters in various areas of your community, I would imagine those people are also taxpayers. When you are collecting an assessment from a property, from an unemployed auto worker in Windsor, as an example--I am sorry Mr. Cooke has left--what are the provisions for that unemployed auto worker to pay his taxes? What are the requirements of the municipality? Does that person not still have to pay taxes?



Mayor Carroll: Yes, he certainly does. I have had private company people say to me that they are upset that it is even five per cent. They say, "If I pay my employees five per cent, my company is going to go under." Some are that close to the line. As far as the reaction in the community goes, many of the private sector people are very concerned that they are not going to be able to match the five per cent the public sector is going to be guaranteed.

Mr. Brandt: The point I am trying to make is that there are people in steel towns like Hamilton and auto towns like Windsor and Oshawa who really have no income whatever other than unemployment insurance or perhaps they are falling back on welfare benefits of some kind in order to put food on the table temporarily.

As I understand the municipal laws, they can delay or avoid paying the taxes on their house for a period of about three years. At the end of that time, their house is repossessed. The only point I want to make is that you have no provision within the municipal field to pay the taxes for particular individuals, which are passed through then to your employees, to help them save their house. The house is effectively going to be repossessed or taken over by government, if fact they cannot pay their taxes.

I find it very difficult to understand how someone, who is unemployed in a city like Windsor on the auto assembly lines or whatever, is going to be able to pay a high level of taxes at a time of extremely high unemployment when he has no income coming in. I guess you are agreeing with what I am saying.

Mayor Carroll: Yes, I am.

Mr. Brandt: You will notice that I did not lead the witness.

Mr. Bradley: My question relates to the transfer payments, and you deal with that on page 7 of your brief. You had a speech to the Association of Municipalities of Ontario from the Honourable Claude Bennett in his capacity as Minister of Municipal Affairs and Housing in which he said that municipalities were to get either no increase, and then after the hissing and booing died down, a very little increase.

Subsequent to that, in the House, last week for instance, I asked the Treasurer (Mr. F. S. Miller) if he would guarantee or give assurance to the House that the transfer payments to municipalities would not be held to five per cent or less. He would give no such guarantee.

Following the same thrust, it appears to me that the argument that the minister makes, which is that you will keep jobs if you keep wage and salary and compensation rates down, is simply going to fall apart unless he is prepared to provide something above five per cent in transfer payments, particularly in view of the fact that he is sticking municipalities with higher welfare costs, boards of education with Bill 82 provisions and municipalities with the costs associated, for instance, with

pollution control--they now want phosphates removed--and energy costs.

The Treasurer walked into the room at the appropriate time for this. What kind of really firm representations is your association making to the Treasurer, and many of you have better contacts than I have with the Treasurer and members of the cabinet, to ensure that you get sufficient funds, albeit not the kind of funds you might have anticipated earlier this year, so that you are not in a position of limiting wage and salary increases, laying people off and abandoning programs which are for the good of the community? What hope do you have of persuading the Treasurer of your case?

Mayor Carroll: That was a long, roundabout question. You are still talking about transfer payments?

Mr. Bradley: Right

4:10 p.m.

Mayor Carroll: I think the real thrust of what we were saying is included in the paragraph on the top of page 8, in which we are asking that the province provide transfer payments, both conditional and unconditional, at a level that will meet the existing and future obligations--now that obligation does not imply any frills at all--of municipal government on a fair and equitable basis.

I think I must stress fair and equitable. As we sit and discuss these issues around the board of directors' table and in the committee that I co-chair, there is a great concern that in order to be fair it is not going to be the same or similar for every municipality across the province.

In this period of time I think there are going to have to be very specific concerns raised for specific municipalities. There are areas of growth in the province in which new assessment is coming on stream. That is revenue for that municipality. There are other municipalities that are going backwards, both in assessment and in population.

If a street has to be serviced and there are 10 houses and five of them are empty, you still have to plough the streets, pick up the garbage and provide the service. That municipality is in difficulty. That is just an example when we talk about when we say fair and equitable.

Fair and equitable does not necessarily mean the same for every municipality. There are municipalities that are in trouble and are going to be in trouble. There are others that are going to be able to manage better because of their growth.

Mr. Bradley: My subsequent comment to that, and the Conservative members of the committee will forgive me for appearing to sound partisan, but not wanting to be partisan really, because I want to put it this way to you, is that this is going to be a very difficult year in extracting money from the



Treasurer, in my view. His cabinet ministers are going to have a tough time with him. The revenues are not there. His deficit is up, and you are going to be faced with several other people competing for his revenue or the revenues of the taxation of Ontario.

What I am wondering is how far are you prepared to go to make your case to the provincial government, because if you are simply prepared to sit back and say you understand there is a need for restraint and will therefore put your tail between your legs and run, then you are going to get five per cent or less. Otherwise, you might still get five per cent or less. I am not saying that.

AMO has never been, in my view, a very militant organization. It has been a very responsible organization over the years. When your backs are to the wall are you going to be a little more vocal and attempt to make known to the people of your municipalities just how tough it is going to be if you cannot loosen the purse strings from the man who has such a tight rein on them?

Mayor Carroll: I think the thrust of AMO in the last couple of years has certainly been much more aggressive than it has been in years previous to that. The aim in bringing all of the associations together into one was that we would have a more effective voice with government.

We feel in the past year that we have had a pretty good track record on being heard. A number of our committees have appeared before the standing committees of the Legislature. We have presented a number of papers to the government. One of the requests in this presentation today was that we continue to be involved in any new thrusts as far as the restraint program or the implementation of the program is concerned and that dialogue continue with AMO. We certainly intend to request and press for that kind of involvement.

Mr. Dunbar: If I might add something, one of the officers in the association who could not be present today, and it depends on what happens on November 8, said to me: "I want you to remember that the province goes to the polls again before we do. Although we do not have a large amount of money to put on a campaign such as 'You decide,' perhaps that is the only alternative for the association in the future."

Mr. Bradley: I think you will find by 1984 or 1985 that the transfer payments, coincidentally, will be back to a level commensurate with a smile on the face of AMO.

Mr. Dunbar: I think it is a matter of perception. The association perceives that it is a partner in this program of public sector restraint on behalf of the citizens and property tax payers, and I hope that we will be a partner in the program.

Mr. Cooke: Were you a partner on the sales tax changes?

Mr. Dunbar: No, we were not, but I would hope that as we

sit in on eight and on seven that we are not going to have more programs shoved on the municipal government as a way of shifting responsibility and costs. The unconditional grant system is a problem for municipalities. I think they can live with it, but it means to get a provincial dollar you have to spend a dollar. Maybe we have to cut out the dollars we spend.

The unconditional system is the area that provides municipalities with the opportunity to set their own priorities and gives us an opportunity to share in provincial revenues.

Mr. Bradley: That was anticipated with the Edmonton commitment.

Mr. Dunbar: That is right. And if municipalities are going to get short shrift on that, I think you will see a lot of anger.

Mr. Wrye: If I could have a supplementary?

Mr. Chairman: No, Mr. Wrye. In fairness to everybody here, we are three quarters of an hour on this presentation and Mr. Breaugh has yet to ask his questions. Really, we cannot have supplementaries.

Mr. Breaugh: I wanted to pick up on a trend you identified on page 6 in your brief, which concerns me immensely. It strikes me there is a trend to load up municipal governments with responsibilities they have in law but cannot do anything about and a number of other items they were not consulted about. You run through the list of things, of sales tax and Ontario health insurance plan increases and general welfare assistance benefits and on and on. The trend is pretty clear. The province is unloading its responsibilities on to municipalities.

Many of the municipalities are quite happy with the restraint program. Part and parcel of that is that a number of people are basing their support of that restraint on the concept that this five per cent solution applies to my municipal property tax as well. Looking across the initial run at, for example, Metropolitan Toronto where they began with the premise: "We will accept the five per cent solution. We will put a wage freeze on. We will not start up new programs. We will not provide additional services."

The numbers are downright astronomical. In their first run, they are looking at a mill rate increase projected of 14.5 per cent, well in excess of the five per cent. They are now looking to see if they can cut some \$90 million of gross expenditures out of their budget.

If you look through the specifics of the thing you will see they are looking at a 38 per cent increase in mandated programs such as GWA. They are looking at, for example, in the police department budget alone, an increase of 5.3 per cent in the mill rate. That one segment of their budget will push them over the five per cent limit. They are looking at a 32 per cent increase in the Toronto Transit Commission costs. It just goes on and on and

that does not even take into account new little projects the government has in mind, predominantly in the field of education. There are a range of new programs being suggested.

In the new Health Protection Act, again, there is another new program being introduced by the province. It does not take into account increases in family benefits. They did not anticipate it and my municipality is putting an extra \$55,000 a month on the cost. There is--being looked at in the context that other people have discussed here--less and less of an ability to get tax money out of ratepayers who do not have a job. No matter what your mill rate is, they are not going to pay any property tax this year if they do not have it.

So there are lots of shifting sands in here, but the bottom line seems to be that everybody is looking at an early run forecast of a 15 to 20 per cent increase in the mill rate. They can do nothing about mandated programs; they must provide those.

Do you think you are anywhere near the proposition, in accepting this restraint package of the five per cent solution, you can guarantee to the ratepayers that they are going to have a mill rate which will go no higher than five per cent?

Mayor Carroll: Of course not. There is no way. It is of concern to municipalities that with the program there is an expectation that the increase on property taxes will be kept to five per cent. In some municipalities that just will not be possible.

For those who had split-increase wage settlements with the additional increase say, in October or November, you automatically have to add--just as an example--maybe four per cent to cover those costs that were in the settlement for this year. So add five to that and you have nine per cent you are going to have to increase in order to cover the wage costs.

There is also the fact that some of the restraint year will not click in until almost the end of 1983; school boards, as an example, which are a large part of property tax as well. Nine per cent will be really what the taxpayers will be picking up for the larger portion of 1983.

4:20 p.m.

Those things are going to have to be taken into consideration because there is no way some of the municipalities are going to be able to keep within a five per cent increase. Some will, but there are quite a number that will not. The transfer of responsibility-- And it is not the responsibility, it is the costs that go with the responsibility. I think municipal councils, in years gone by, asked the province for additional responsibility but we cannot shoulder the costs as well without commensurate assistance from the province. It's those areas that we are very concerned about.

One cannot disagree with the deinstitutionalization thrust that has come from the province because the priorities should be



set at the local level. That is where people understand what their people need and must have. They are working on a very direct basis. However, the costs are horrendous. A great deal of the increased cost in group homes through the deinstitutionalization program is being borne by the local municipalities. The changes to the Young Offenders Act, the redefinition of the age of a young offender, is going to have tremendous impact.

I am not sure the upper levels of government, including the federal government, have really taken that into consideration. We are the ones that in the long run are going to feel the impact. Without some sort of restraint on our labour costs and some moratorium on some of the transfer of responsibilities that carry a great cost with it from the province to the local municipality, we are going to have a very difficult time.

Mr. Breaugh: Okay, just a couple of other quick points.

When I was on municipal council, one of the things that used to drive us nuts is that we would often spend five or six months trying to keep a mill rate in line, so to speak, and after we had finished our exercise at restraining programs and services, we were then presented with a budget from a school board over which we had absolutely no control. Usually better than half of our municipal mill rate went into that.

Then on top of that, to add a little more insult to injury, the police commission would waltz in with their budget and slap that one on it. Not that we really minded defending our policies and things of that nature, but we very often got tired with problems that really were not ours. Those last two matters, particularly, can be high-cost items. Do you have any kind of contingency plans to help you get around that?

You are going to be looking at those two areas in particular, so even if you were the most magnificent managers of local money in the world, there are other groups that will directly impact on your budget in a manner that almost prohibits you from following that restraint program. One would be the province mandating additional services or changes in that. The second one would be local school boards lopping large amounts of money onto a municipal budget, and the third would be police commissions doing exactly the same thing.

How do you propose to handle those things?

Mayor Carroll: It is going to be difficult. I think AMO's position is that there be no exceptions. We have heard some of the teachers making representation and what not. If it is going to work there can be no exceptions.

Perhaps in high-cost areas such as education--which I constantly get my knuckles rapped for interfering in--along with the restraint on wages, there is going to have to be some restraint on programs as well, particularly new programs.

Mr. Breaugh: One final question I would like to put to you. You expressed a rather tough line about strikes, lockouts and

arbitration procedures and all of that. How do you intend to deal with the labour-management problems you are going to have? I suppose you think a restraint package is necessary as an organization.

Even if you are an advocate of that, you would have to admit that you are inviting some severe strains on labour-management relations in the next few years, particularly during the course of this program. To be blunt, it does not matter whether you save some money at the front end if you have a dispute going with a CUPE local or any of your local employees, you are going to have some financial costs as well.

How do intend to temper the obvious rancour that is going to arise from those people who see limits and restraints put on their contracts and their arrangements? At the other end of the scale, there is the problem we have just discussed, that you may not be able to maintain a five per cent limit on your mill rate.

While it might look very attractive going in, I would dare to venture that whether the law says it will or won't happen or not, it still leaves you with a very difficult problem in attempting to establish some kind of ongoing, decent relationship with your employees.

Are you really anticipating that you're going to get away that smartly with all of this?

Mayor Carroll: Quite frankly, the rancour is there now in the areas that have gone to binding arbitration. In those areas that have been negotiated and settled, there is no rancour, and I would not anticipate that much rancour in the next year during the restraint program.

We have been able to sit down with a large number of our employee groups and settle issues, both monetary and nonmonetary, and I would see no reason why that would not continue. The real rancour and bad feelings in this province are where there is binding arbitration. That's the big problem, and that's why it has to be clear to us that no one can go to binding arbitration during this restraint period.

Mr. Breaugh: You can say no one can go to binding arbitration. You can pass a law that says they're only going to get five per cent or you can pass a law which says only nonmonetary items can be discussed, but for that to be accepted, people at the other end, people who are now your employees, are going to have to have some technique for redressing what they see as being a legitimate wrong.

You're saying that all of the methods that have been used are going to be withdrawn. Just exactly how are you going to solve these problems?

Mayor Carroll: As we have in the past, by sitting down and negotiating.

Mr. Breaugh: I would say that's a reasonable response



except what are you going to sit down and negotiate? There's nothing to negotiate.

Mr. Cooke: Where is the balance of power?

Mr. Breaugh: What I'm trying to put to you in as inoffensive manner as possible is how do we resolve labour disputes when all of the techniques for resolving them are removed?

Mayor Carroll: I'm assuming that within this program there is nothing that states that we must go to five per cent. That is the upper limit. It may well be, in areas of great difficulty, that a municipality could negotiate something less than five per cent.

Mr. Breaugh: You somehow feel that all of your municipal employees are going to accept that?

Mayor Carroll: I think if it's a legislated program for a specific period, the large majority of our employees will accept it.

Mr. Breaugh: If I may say so in closing, I believe you're incredibly naive if you believe you can remove all the techniques for resolving disputes and have everybody smile and say, "That's okay," even for a one- or two- or three-year period. I think you're really biting off a lot of grief there. It may solve some financial problems initially, but I think in long-term labour relations you are causing yourself a lot of problems with it.

Mr. Kerrio: Do you find there is some concern on some people's part that an arbitrator in this day and age is not using the fiscal position to arbitrate but rather is willing to accept parity with other jurisdictions? For some reason the government or people who choose the arbitrators are not asking if there are going to be new criteria injected so that when people go to arbitration there is going to be some consideration given to fitting into the problems that face us in the future.

I'm wondering if you have lost any kind of control if you have binding arbitration in the contract if the parties can't agree. Do you feel there is a need now for some direction to arbitrators to start functioning in a way that's going to address themselves to what appears to be serious problems in the future?

Mayor Carroll: That's been AMO's concern and position for some time. We would have no binding arbitration during the control period; however, one of our requests in this paper is that we continue to work with the government on a response to AMO's requests for the changes to the arbitration system and that some of those changes be in place by the time we come off the restraint program. That's of great concern.

It's very tough to have a municipality accept an arbitrated large increase for one specific group of Ontario such as the firefighters in an area that has a 35 per cent unemployment rate.

The community finds that extremely difficult to accept. I think that's what you're talking about with criteria.

Mr. Kerrio: Yes.

4:30 p.m.

Mayor Carroll: You have to take into consideration the economic conditions that exist within a region or a geographic area of the province. What the arbitrators seem to apply is large increases that happen anywhere in the province irrespective of where they might be.

Mr. Chairman: Thank you very much for your presentation, Mayor Carroll and the association.

The next group is from the Confederation of Ontario University Staff Associations. The committee before did ask if you could possibly, like the first witness, summarize your brief rather than read it. It would really be appreciated.

This is exhibit 77. Mr. Swart, you had a question?

Mr. Swart: On a point of order, to just get some information, there is a group here, the Fight Back group representing consumers, who came over this afternoon on notification they'd be up to third place.

I understand what is happening in this committee with matters tearing on. Is there the possibility that group could be heard fairly early before this committee in view of the fact they have their solicitor with them and the fact that they do come from quite a distance out of town?

Mr. Chairman: Our practice has been to hear them in order. These people, for example, were with us until all hours Thursday night. There are other groups that have waited. It is the usual procedure to take them in order. The best I could suggest subject to the committee is that everybody hurries along and in that way attempt to hear everybody.

Thank you, would you go ahead, please.

Ms. McNeill: I'm Sheila McNeill. I'm the executive secretary of the Confederation of Ontario University Staff Associations. I'm also vice-president of the University of Guelph Staff Association. With me is Brigitta Schmid, who is an executive member of the York University Staff Association. I apologize for Karen Herrell's absence. She is president of COUSA and she is sick.

You have our brief. We're not happy, of course, with Bill 179. We feel, as it says to begin with, it takes away our fundamental right to bargain freely. It suspends our right to strike. It nullifies arbitration rights. It imposes arbitrary controls on salaries.

What it fails to do is guarantee that prices will not rise above five per cent, which is even more essential than a wage

restraint. It will not create employment. It will not lower interest rates, and it carries no guarantee of reducing either the inflation or unemployment rate.

One of the largest objections from the university staff group is that all of a sudden we are now classed as provincial employees. We do not think anyone should have to face a bill like this but our experience in negotiating with universities has been, when we have said, "The inflation rate is X per cent; you are holding us to three, four or five per cent below that rate," we have been told, "You must understand, you can't be treated the same as other groups because of the funding of universities." All of a sudden we are now being treated like everybody else and we have to come into line.

Universities have been suffering from severe underfunding. This has resulted in a loss of jobs within our system, not so much through the process of layoffs, but through attrition and the replacement of full-time jobs with temporary or part-time jobs. We feel we've been subsidizing the cost of university education long enough without this additional burden.

We don't think that this bill is the answer to the problems in this province or this country. I am perfectly sure--it's been done in the past--if this was being done in any other country, Canadians would be right on their feet screaming about the rights of the workers.

Within COUSA there are 50 member associations. Roughly half of these groups are nonunionized. Under this piece of legislation they may be compensated by not more than five per cent, which means they may not even get five per cent.

The other thing that concerns us is that most universities have a very poor record of employer participation in benefit plans. I can speak for the University of Guelph. They pay two thirds of most benefits. This is poor compared to the other employers in the area.

Most universities have a worse record than Guelph for employer participation in benefit plans. With a 17 per cent increase in OHIP premiums ahead of us, that's going to pose quite a problem.

We have no way of improving anything under this bill, and most employers, no matter how unrealistic, do tend to treat a lot of items as monetary. I don't know how they rationalize this. Improved vacations, for instance, they constantly hammer as a monetary item. That's nonsense. I can't think of one single job on our campus that when someone is on vacation they hire someone to come in and replace them. It might be that in a small area where there is only one person they might do that, but it is not a widespread practice.

We'll see no improvement in sick-leave plans, no improvement in pensions and in the area of equal pay for work of equal value, you can just forget that. We've been hammering against that wall for a long time and it's just shelved indefinitely.



We have a much higher than average ratio of women employees in the university staff system and this is a matter of great concern to them. One of the things we're trying to do at Guelph at the moment is to improve our day care facilities. There will just be no opportunity to do this at all.

A lot of women in the employ of the Ontario university system are the sole support of themselves or their families. I can think of several examples of friends of mine at the University of Guelph whose husbands have been laid off for some period of time who have run out of unemployment insurance benefits, and these women, who are earning very little in comparison to the average worker, are now facing supporting a family.

The \$750 per year is just ridiculous. The people I know on campus are earning nowhere near \$20,000 a year. The \$1,000 discretionary amount is even more ridiculous. No employer that doesn't have to give you a discretionary amount of anything will do it unless they're forced to do it. I cannot see any employer giving you \$1,000 if they can settle for \$750 with no argument.

As I already said, part-time workers are increasing rapidly in number on all campuses. They're even less protected. The employer may prorate their increases. They don't have to do it, so they won't do it. Part-time employees have no benefits and very little protection and certainly less job security than any of us have.

Compensation is one issue but with no collective bargaining rights left to use I can see every university management just saying: "Sorry, that's it. We're not even going to open up for discussion." We have no recourse to any system to force them to make any changes, even minor changes.

My concern, too, is that the board has been given these sweeping powers in these areas but they have been given no similar powers in the area of keeping down prices or private sector awards. This seems to negate any real influence the board could have on keeping an equitable balance between increases in the cost of living and wage awards of five per cent or less to support staff at Ontario universities. We feel this will just further the wage gap between the public and private sectors. It's grossly unfair to support staff and doubly so to the women in the lower salary ranges.

We also fear that the Inflation Restraint Act will be as temporary as income tax. That was merely intended as a temporary stop gap, I think, some time in the First World War. I wasn't around then, but I take my father's word for it.

I would like to also add--I didn't include this because I didn't have the figures. I'd like to take the universities of Windsor and Laurentian as examples. Unemployment figures in Sudbury were 32.9 per cent in September and are now nearing 40 per cent and still climbing. Most support staff employed at Laurentian have spouses who are either unemployed or whose employment future is uncertain. This puts these employees in the position of being the sole wage earner in the family.

4:40 p.m.

Many university support staff in Windsor are in the same position, having lost one wage earner. The unemployment rate in Windsor for September was 14.3 per cent and has no doubt increased since then. Neither Windsor nor Sudbury is in a location that has real ease of access to other areas for job seeking.

The enrolment figures at Windsor increased 37 per cent, and at Laurentian 10.6 per cent for the fall semester. This means that university support staff at Windsor and Laurentian would be carrying heavier work loads at a time when they are expected to knuckle down under an increase of five per cent or less for next year. In the face of reduced funding, it is unlikely that universities will be hiring additional staff to cope with the increased work load. Indeed, most universities have a freeze on hiring at present.

We have given these examples of the additional hardships facing university support staff to illustrate the unfairness of Bill 179.

You were asking the Equal Pay Coalition for some kind of figures on 500,000 employees affected by this. I could only get the figures for Guelph in the time I had available to me. We have 753 people in our group; 539 of these are female and 214 are male. Fifty per cent of the support staff at Guelph earn under \$12,000 per year. This 50 per cent are mostly women staff.

I appreciate the opportunity to appear in front of the committee. I do not know whether I should continue to read this or not. These are personal remarks of mine; they are not coming from COUSA and they are not coming from the University of Guelph or from York.

I am very proud of the fact that I come from a family of workers. I was brought up to believe in the dignity of labour. My grandfather retired at 75, my father retired at 72, my mother at 76 is still working part-time. There is no shame in working for a living and earning your way in this world. There should be shame on the part of the Ontario government in placing blame for the state of the economy on the shoulders of employees in the public sector, especially the women earning under \$11,000 or \$12,000 a year.

I will not read the last bit because I wrote it in a temper and I don't think I should, but I will be happy to quote it privately for anybody else.

Mr. Brandt: You are showing restraint.

Ms. McNeill: I am showing restraint.

Mr. Chairman: You are showing restraint and that is good. Thank you.



Mr. Wrye: On page 2 you have highlighted one of the particular problems of the current legislation and used a very specific example, that half of the members within your association are non-unionized and that non-union groups may get a wage increase from zero to five per cent under the legislation as it now exists.

Can you give us any specific examples as yet? I know the legislation was only brought in a month and a half ago. Have you any specific examples you might give to the committee of places where universities have offered non-union support staff less than five per cent, based on this legislation?

Ms. McNeill: Within the confederation roughly half of our member groups are non-unionized. I think we have all settled for this year. I could be wrong, but I think we all settled before September 21, so we are not talking of the present moment. It will affect next year's settlement.

One of the largest groups within our confederation that is non-unionized is the University of Toronto Staff Association, which represents roughly 2,000 people. That is the largest, single, non-unionized group in the confederation.

Mr. Wrye: It is your view, obviously, that there would be a great temptation on behalf of financially strapped universities not to give five per cent.

Ms. McNeill: That is correct.

I am sorry, I should correct myself too. The University of Toronto Staff Association's wage award was a phased-in one. That, more than likely, would be affected, but I have no real knowledge of that as yet.

Mr. Wrye: On page 3 you talk about the discretionary amount of \$1,000, as opposed to the mandated minimum of \$750. I gather, as an absolute minimum on your part, you would want the discretion taken out of it and you would want a figure to be mandated, to protect those at the lower end.

Ms. McNeill: The absolute minimum I would want would be Bill 179 thrown out.

Mr. Wrye: That is probably the maximum.

Ms. McNeill: No, it is my minimum.

Mr. Wrye: If that is not the case, if this committee--

Ms. McNeill: I would not care to put a figure on it. I think you should be able to negotiate freely.

Mr. Wrye: Let me just take you through this. If the committee decides not to withdraw the bill, are you suggesting that there be a floor which is substantially above the \$750? I am not going to suggest a figure to you.

Ms. McNeill: All I meant by that comment was there is no way we are going to get anything unless they have to give it to us, and they do not have to give us anything, really, under this bill.

Mr. Wrye: Okay. You have obviously been involved in negotiations before. What would be your view as to what will happen?

I think you were here for the previous witness when there were questions from myself and my friend from Oshawa on the impact of negotiating noncompensation issues and where you go if the employer will not negotiate. Would you share my view that unless the bill is amended on the noncompensation side--and I know you wish to have it scrapped completely--there really will be no meaningful negotiations in your next round?

Ms. McNeill: There will be no real negotiations. How can you negotiate? What can you negotiate? Nothing.

Mr. Wrye: As things stand now, I gather that your group is not subject to arbitration but you can withdraw your services, you can go on strike.

Ms. McNeill: We are a unionized group; so is YUSA.

Mr. Wrye: So you can go on strike?

Ms. McNeill: Yes.

Mr. Wrye: I gather, quite specifically, that if you go in and ask for a certain change in a nonmonetary area and the employer says no, your understanding is that you simply have nowhere to go as the bill now stands.

Ms. McNeill: That is my understanding, yes.

Mr. Brandt: On the \$750 minimum for employees below \$20,000, and the amount of \$1,000 which may arbitrarily be given by an employer, looking at the figures you mentioned earlier, I think you said, if I can quote you correctly, that the majority or a large number of the people you represent are perhaps earning \$10,000 to \$11,000.

Ms. McNeill: Under \$12,000 would probably be the fairest.

Mr. Brandt: All right. Using your figures then just for a moment, if the employers are somewhat more benevolent than you think they are going to be at this point--I have some reason to believe that might be the case--and if you do get \$1,000 for those employees, that would represent in the near area of a nine or 10 per cent increase.

Recognizing that the people at the low end of the income spectrum are going to be hit the hardest in a period of recession, in a period of high inflation and high unemployment, would you not suggest that that figure is reasonable, in the light of the

economic circumstances of today? In other words, that is something in the range of close to 10 per cent in terms of a settlement, because that is effectively what it is going to amount to.

Ms. McNeill: How do you justify that to people who will not get that type of increase?

Mr. Brandt: The least they can get is \$750; that is the least allowed.

Ms. McNeill: But you are negotiating for the group as a whole.

Mr. Brandt: I guess what I am saying is that if you were in a position where you were going to be negotiating during that period of time, the income increases to those low-income employees would probably be in the same range, looking at inflation and looking at predictable settlements in the economic environment we have at this time.

Ms. McNeill: I think the average settlement in the university area this year was between 11 and 12 per cent. Past history has proved that we have very seldom got even the inflation rate. We were closer probably this year than we have ever been to covering just the increase in the cost of living. The thing is they are not going to get that \$1,000.

4:50 p.m.

Mr. Brandt: How can you be certain of that?

Ms. McNeill: Past experience.

Mr. Brandt: If you were in the position of the government, with declining revenues and limited resources, and if you had so much money to spread around to pay all employees, do you think there is any validity whatever to the fact that by using a somewhat smaller revenue base in order to pay employees you may, in fact, be saving some jobs?

You indicate that this will not create employment and I do not think I would necessarily disagree with that, but would you not agree that it may help to deter, delay or perhaps even avoid increased levels of unemployment as a direct result of the government more judiciously using the revenue base it has? I say that in recognition of the fact of what has happened in Quebec, zero increases. In fact, a net rollback--not the kind of rollback Mr. Cooke talked about earlier on an existing contract but a net rollback of dollars to the employees--has been introduced by the government.

In the state of Michigan, which is directly adjacent to my own riding, zero increases are what they are attempting to negotiate and what they may go on strike over is the fact that the government there is talking about net decreases in the amount of money the employees will be getting, in the school system particularly.



What I am saying is, do you not feel that some jobs may be saved as a result of these measures?

Ms. McNeill: It's possible, but the thing is if you were allowed to negotiate freely and people behaved responsibly, it is not always possible that will happen. The whole thing I am underlining is "freely negotiated," if they agree to do it, are not forced to do it, not made to do it.

We sent out a questionnaire at Guelph after last year's negotiations and prior to this year's negotiations and we asked 753 people what was the minimum increase they would settle for without voting for strike action. I was very pleasantly surprised at the responsible attitude they displayed. You have to underline "freely negotiate," not have it forced down your throat and on one sector of the community only.

Brigitta would like to add something.

Ms. Schmid: The fact remains that the universities are following a policy of attrition and no matter how much the rest of us earn the policy is being pursued. Whenever someone leaves, the employee is not being replaced. When this happens, they hire part-time people who are not protected at all and don't get any benefits.

Mr. Mackenzie: Isn't it a fact that in the university support staff there have seen cutbacks since the middle 1970s that have been working a bit of a hardship on the support staff and that most of your increases fall behind even the faculty, with the possible exception of this last year?

Ms. McNeill: Yes, and everyone is well aware of the enrolment figures for the fall semester, which puts an additional burden on university staff whose numbers have been cut back by attrition and other means.

Mr. Mackenzie: Do you not find it a little bit strange that arguments would be made with you, pleading for more judicious use of the funds and the restraint program when you are dealing with people making \$11,000 and \$12,000 a year?

Ms. McNeill: I just cannot believe that people earning \$12,000 a year are spendthrifts. I think they know how to use money wisely; they have to.

Mr. Mackenzie: Do you also find that the bill is one that is not worthy of amendment and should be scrapped?

Ms. McNeill: That is my position. My minimum position is, throw it out.

Mr. Mackenzie: I don't think one of our colleagues really expected you to say that, but it is an interesting point.

Mr. Chairman: Thank you for your presentation.

The next group is from the Dufferin County Elementary Teachers, the Federation of Women Teachers' Associations of Ontario and the Ontario Public School Teachers' Federation. There is a brief, number 78.

Would you carry on, please? You might identify yourselves as to whether you are the people, Bissell and Cook.

Mr. Bissell: Thank you very much, Mr. Chairman. My name is Brian Bissell. I am president of the Public School Men Teachers' Federation in Dufferin county, and this is Barbara Cook, the president of the Women Teachers' Federation. If you will pardon the fact that our brief is very brief, I would like to read our brief comments.

Mr. Kerrio: That is sneaky. It is printed on both sides.

Mr. Bissell: If the purpose of Bill 179 is to restrain those who have not been responsible in their wage demands, we, the teachers of Dufferin county, would support this action, but by the selectivity of the controls, Dufferin county has been placed in a situation which we feel is unfair.

The aspect of Bill 179 which is of greatest concern to the elementary teachers of Dufferin is the denial of the basic right to free collective bargaining. Although this was recently attained, we in Dufferin have followed the School Boards and Teachers Collective Negotiations Act in a responsible manner. We have always come to agreements through meaningful dialogue with no threat of strike action. Settlements have been responsible in accordance with our county size and the ability of taxpayers to pay. We have demonstrated restraint in the past with settlements below the inflation rate.

Dufferin historically has tried to keep taxes down and, realizing this, teachers have agreed to salaries which have kept them among the lowest paid in the province. As evidence of this in 1976, the Anti-Inflation Board awarded our teachers more than the negotiated amount.

We have been, and still are, very concerned that in Dufferin, because of its rural nature and lack of industry, taxes have been borne by people earning an average income. Historically, the provincial government has recognized this disparity between large industrial centres and small rural areas. We ask for this kind of recognition.

We have just completed a two-year agreement. Because we did not settle prior to September 21, we will be under wage controls for two years. Many boards will only experience one year of restraint. When controls are removed, a situation of strain between the teachers and the board will no doubt occur. We are presently approximately 17.3 per cent behind Simcoe county, a neighbouring board.

Bill 179 effectively removes the bargaining process and we feel it will adversely affect the long-established relationship between the teachers and the board. By removing the right to strike and the right to negotiate monetary issues, the teachers have no effective means of altering the collective agreement.



This bill removes any incentive the board might have to meet the teachers. Under the spectre of wage restraint, our present negotiations have already demonstrated increased stress between the parties. Given two years without meaningful dialogue, problems will be allowed to fester and grow. There is no adequate dispute mechanism to which the teachers have access. Discussion will proceed only at the pleasure of the board.

Generally public sector settlements have been below those of the private sector in the province. Of the public settlements, Dufferin county has always been below the median. Our present settlement places us 62 out of 77 boards. Since 1976 the purchasing power of the teachers of Dufferin has been eroded. We have lost 12.7 per cent compared to the consumer price index. Since most of the members live and work in Dufferin county, there has already been a resultant loss of stimulation to the economy of our county.

At a time when the business community in Dufferin county needs every stimulus possible, our purchasing power has been lessened. Why should the teachers of Dufferin county be subjected to the controls suggested in Bill 179, which imply we have made gains greater than the cost of living. Statistics show that this is certainly not the case.

In summary, the negative effects of this bill on the teachers of our county are as follows: Tensions will be created between teachers in Dufferin county, between families working in Dufferin and in surrounding areas, between the teachers collectively in Dufferin county and other teacher groups and, finally, between the teachers and the board. Private wage settlements will not be affected by wage controls.

Wage restraints on Dufferin county teachers will only further depress the economic situation in our area. Wage controls have no affect on prices; therefore fewer products can be produced. Those teachers who will be retiring in the next few years will have their pensions adversely affected for the rest of their lives.

I think the bottom line is that we have always been responsible in our wage demands and have always retained good relationships with our community. Therefore, it is unjust to single us out as irresponsible citizens. We, the teachers of Dufferin county, recommend that Bill 179 be withdrawn.

Mr. Kolyn: Mr. Chairman, I appreciate the fact that you have given me an opportunity to ask one question since I am only a part-time member of this committee. Mr. Bissell, the last sentence sort of intrigues me. It says, "We, the teachers of Dufferin county, recommend that Bill 179 be withdrawn."

5: p.m.

That statement has pretty well precluded what most of the other briefs that the teachers have presented in the past. The pressures from Canada's 1.4 million unemployed is mounting. About

50,000 people a month are exhausting their unemployment insurance benefits and that forces them on to the already overburdened welfare roles of municipalities across the country. I believe that we are having a crisis right now in this country. At what point would your group support a restraint program, whether it be federal or provincial?

Mr. Bissell: I think the bottom line of our presentation is the fact that we feel we have always been responsible in our wage negotiations. We have accepted in the past wage negotiations below inflation and as responsible citizens we are resenting the fact that we cannot negotiate our contracts. This bill is effectively removing our right to negotiate.

Mr. Kolyn: How many people have to be unemployed in this country before you would agree to a voluntary wage restraint program? That is what I am asking.

Mr. Bissell: I think I can only respond as the previous speaker did, where you are responsible in your wage negotiations you will reflect that very thing, the fact that Canada is a country perhaps in trouble. I feel we have met that goal.

Mr. Kolyn: Is it fair to say at the present time you do not think that Canada is in economic straits?

Mr. Bissell: I am unqualified to say that.

Mr. Mackenzie: I just think that it might have been valid if you had simply asked what jobs this particular program was going to create. There are a lot of people, if you have heard all of the hearings before this committee, that do not think teachers have been very responsible. It comes through loud and clear in some of the questioning. Is there a feeling by the teachers that they are under attack in this particular bill?

Mr. Bissell: I cannot speak for other teacher groups in Ontario. I can just speak for Dufferin county and we feel we have been responsible in our negotiations with our board. We have always maintained a good working relationship. Our settlement of last year was even below the present provincial guideline for next year, so I think we have been very responsible in that regard.

Mr. Mackenzie: The figures also show that teachers generally have been behind the inflation rate in their settlements for the last four years, which makes a fair argument for responsibility. I really have one question I wanted to ask you specifically, and that is the effect of this kind of a bill, which is no question a very fundamental denial of rights that we have had previously in this country.

What effect does that have on teachers in terms of teaching our kids in the class when they are going through a process of being faced with controls the government has brought in, legislation, the extent of which we have not seen in an awful long time. Does it give you a noll of a lot of confidence in the system in terms of teaching kids?

Mr. Bissell: Personally, no. We teach democracy; we teach that we have gained personal rights. I believe we are losing a personal right here, the right to negotiate a contract.

Mr. Wrye: Mr. Bissell, you said on page 2 of your brief you just completed a two-year agreement. Can you tell me what you settled for?

Mr. Bissell: In the first year it was between 11 and 12 per cent. The second year of our agreement was between eight and nine per cent. That was two years ago. We had a two-year agreement, the first year of which was between 11 and 12 and the second year between eight and nine.

Mr. Wrye: The first year of the agreement was between 11 and 12--let us call it 11.5. Is that retroactive until September 1 of this year?

Mr. Bissell: We have not settled for this year. We just ended a two-year agreement and we were under negotiation for a new contract. We did not complete our negotiations.

Mr. Wrye: So right now you have no contract?

Mr. Bissell: We have no contract.

Mr. Wrye: If you were to get a mandated nine per cent increase in the first year of the two-year agreement retroactive to September 1, given the fact that inflation is now at 10.4 today and is running somewhere under seven per cent in the last two or three months, would you not agree with me that that might track inflation fairly closely?

Mr. Bissell: Yes, but I don't think that is the issue here. I think that because we cannot effectively negotiate at all, the board is not really going to negotiate with us. There are many other issues we cannot discuss.

Mr. Wrye: Would you not agree that if the bill were to be amended--and there is a specific section I wish I had with me; I think it is clause 13(b)--to limit the extension of the contract to compensation issues with increments built in and to allow total free collective bargaining, the right to strike or to go to arbitration for all but that narrow compensation package, then that would allow you to negotiate the working conditions? I am talking about the compensation package, not the monetary package. I am trying to anticipate the Bill 82 arguments and that sort of thing. That would then allow you to negotiate noncompensation issues, would it not?

Mr. Bissell: I am not well versed enough with the bill to be able to answer whether an amendment would change the intent of the bill. I can only go back to my original premise that we feel we have been responsible--I am only referring here to the teachers of Dufferin county; I am not referring to any other teacher groups--and, therefore, why should we have to be under a



set of controls? If we are doing our job as good citizens, why should we have to lose a right we have just recently attained and proven we have done a good job handling. I feel our record is excellent.

Mr. Wrye: What kind of chaos would the merit pay provisions cause in Dufferin county? Would it cause some problems? Would there be teachers caught under the merit pay provisions who would find themselves not being compensated for--

Mr. Bissell: Are you asking whether we have merit pay? We do not have merit pay.

Mr. Wrye: No, the progression on the grid or greater education attainment--the increments--

Mr. Bissell: There will be some who will be affected by that, yes.

Mr. Wrye: I gather that will cause some chaos in that people who have attained a certain level of educational attainment will find themselves working side by side and making less than people with the same level of attainment.

Mr. Bissell: Definitely, yes.

Mr. Bradley: Many people, unless they are familiar with the specific problems that arise between boards of education and teachers in terms of negotiating a contract, would not be aware of the significance of those noncompensation items you have referred to, of not even having the right to negotiate or apply sanctions in your negotiations over those matters.

Could you reveal for the committee some of those very key areas that are so very important to teachers--not the compensation package, but noncompensation items which are important--and ultimately to the education system and the welfare of the students.

Mr. Bissell: Working conditions for one. It is very difficult to tell under this particular bill whether working conditions will be part of the compensation package. To change the working conditions may require additional staff. I do not understand all the legalities of that and how that works.

In our particular situation, we are just negotiating for some executive relief time so the executive of the professions can do the kind of thing we are here today to do. The board is not willing to discuss that kind of issue. We have a list of them: negotiation of class size, decision-making policies within the board, how you effect that kind of thing, how you put that into your contract. As a matter of fact I am meeting with a fact-finder from Ottawa supposedly at six o'clock this evening to discuss some of those same issues.

Mr. Bradley: I hope that meeting is in Toronto.

Mr. Bissell: No, it's in Orangeville.

Mr. Chairman: Thank you very much for your presentation.

Mr. Bissell: Thank you. We appreciate the time and the opportunity to come and speak to you gentlemen.

Mr. Chairman: There are three groups that are grouped in the agenda. What you normally were doing with the grouping is hearing from them separately if they can be fairly briefly, and then questioning them together. The fourth, fifth and sixth groups are all from different districts of the Ontario Secondary School Teachers' Federation. Could the first group, 46, Oxford county, please come forward.

This will be brief 79. Thank you gentlemen. Will you carry on.

5:10 p.m.

Mr. Hughes: Mr. Chairman, members of the committee, my name is Dave Hughes. I am the immediate past president of the provincial OSSTF. I am also the chairman of the secondary teachers' negotiating committee in Oxford County. On my left is Ralph Connor who is a member of our staff and a negotiator on the same Oxford county committee.

Before I begin, Mr. Chairman--and it is my intention that I will share the comments with Mr. Connor--let me state for the record that I am disturbed, shocked and dismayed by the need to make this presentation, rather than it being done by the teachers of Oxford county. I think it is obvious perhaps to you, Mr. Chairman, more than most, because they are your constituents, that the secondary teachers of Oxford have been more directly affected than any other large group by this particular legislation.

It is reprehensible in the extreme that their employers, the Oxford County Board of Education, would not give them enough release time, even at the full expense of the teachers, to allow them to have, in their opinion, sufficient time to prepare a brief and proper supplementary material and the personnel required to explain their case to this committee.

Mr. Chairman, just in case there are any doubts regarding our credentials, I would like to read into the record the following, if I might. It is addressed to myself.

"This letter authorizes you, as the chairman of the district 46 negotiating team, and Mr. Connor, as chief negotiator, to act on behalf of the teachers of district 46 at the justice committee hearings on Monday, November 1, 1982.

"You will recall that I requested three days' paid federation leave for the four local members of our negotiating team and the board was only willing to grant one day for two members. The feeling of the local members of the negotiating team is that this was not sufficient time for us to effectively research, prepare and present a thoughtful brief to the committee."



I have copies of this available, Mr. Chairman.

Mr. Chairman: It should be put into the record as exhibit 80.

Mr. Mackenzie: Before we continue, I want to be clear on this. You are telling us that even though it was at the teachers' expense, the board in Oxford County refused the time necessary for the delegation to prepare and research its brief and appear before this committee?

Mr. Hughes: I will state it very accurately. I have seen the appropriate board motion. It authorized that two individuals could have one day off only for the entire period for the purpose of brief presentation, brief research and any time required to appear before this committee. I think some of us who have been here know it requires a fair amount of time to attend this committee, not only for the presentation but sometimes waiting for one's turn.

If I could add one thing, I know some of my colleagues in other jurisdictions, who were not in a strike situation and who were not as directly affected, obtained far more generous release terms from their board.

Mr. Mackenzie: Do you know of any other situations, because I do not to date, where this kind of restriction was put on the teachers?

Mr. Hughes: Not to my knowledge.

Mr. Mackenzie: Thank you.

Mr. Hughes: If I might, Mr. Chairman, on behalf of those teachers I would like to make some comments and I would ask the committee to recognize that both myself and Mr. Connor will be doing our best to act in their interests and to express the kinds of thoughts they have.

As you suggested earlier, I will not attempt to read or even summarize the brief. I will merely draw to the attention of the committee the first sentence. "The secondary school teachers of Oxford have a special interest in Bill 179, in light of the 'custom-fit' provisions included for our small membership."

Let me emphasize as clearly and as succinctly as I can, exactly what this bill has done to them.

It has taken away all the strength they had in the collective bargaining process--no strike, no arbitration--and I would remind you that they were on strike when the bill was initiated and technically still are. Any strength for both sides has been withdrawn and by it any method which exists to dispute resolution.

It means that all nonmonetary items, which include several of professional value, are left solely at the discretion of their board. I heard some questions from members of the committee on this earlier. I think the fact of the teachers being absent demonstrates that the Oxford board is not capable of being sensible, let alone conciliatory or progressive. For Oxford teachers, the consequences are clear. As in the past, and they negotiated for 18 months, negotiations have been minimal and now agreement is nonexistent.

Next, it means that the working conditions in Oxford in 1985, unless the board changes its position, will be identical to those which existed in 1980. That is a five-year period. I think this is disgraceful, unheard-of and unnecessary. I might say that it is highly unlikely that any of those working conditions would be changed because I suspect that either the board would not agree or simply argue that they had a compensatory factor.

It means that the salary which the teachers will receive from 1981 to 1985 will be set without appeal or need for reason by a government board whose powers are, as has been pointed out before, both vicious and all-powerful. This is unacceptable and a gross violation, by intent or not, of their rights.

Before Mr. Connor comments, I would just like to say the following. The impact of this legislation, the deprivation of the basic bargaining rights of the teachers of Oxford, goes far beyond anything that is remotely acceptable. This bill does not just impose wage controls on them for a three-year period, it virtually castrates their self-esteem as citizens and employees for even longer.

Whatever may be the status of the economy, it is reprehensible and dishonest that a bill, aimed in theory at fixing an economy, in practice penalizes and debases citizens and voters of Oxford county.

Mr. Connor, with the pleasure of the chair, maybe you would like to continue.

Mr. Connor: Thank you. Gentlemen, the task I am given is a rather difficult one of trying to guess what is inside the heads of other people. However, in discussion with the negotiators in Oxford, they know my thoughts very well, and as far as I can see, they agree with them. Having said that, let me emphasize again that the Oxford teachers are sick and tired of begging, even begging to have their four negotiators here. I am absolutely certain on that statement.

This particular dictum, if it passes, will compromise and destroy collective bargaining. It is to be hoped these hearings are not the same. I picture the ensuing years as collective begging. This action is arbitrary, insidious, oppressive and any other derogatory name you wish to give it. It is quite comparable, in my opinion, in its effect upon collective bargaining, at least in the beginning stages, to the sledgehammer destruction of the air traffic controllers' union by Mr. Reagan, and to some degree, without the guns, of Solidarity in Poland.

Teachers in many countries are activist groups. They are not in this country and I hope they never become that. However, I am not too hopeful because this type of selective dictatorship cannot but lead to mass activism.

Oxford teachers are the only teachers in the province--I gather there are a few other unfortunate civil servants--who since Thanksgiving of 1975, including the years 1975-76, 1976-77 and 1977-78 and the years 1981-82, 1982-83 and 1983-84, a period of six years out of nine, will have been under controls.

Meanwhile, why did they have a strike? It is because in their opinion they had fallen behind. That is why they had a strike. They are behind; now they are going further behind. Great. At the end of the time, what will happen? The Oxford teachers are not a menace. No one who knows them would say that. They are not a danger to the (inaudible) capital of Canada. Some of them may even vote Conservative.

Interjection: Not now.

Mr. Connor: That is going pretty far, but I think they will. If one was to beg, one might request special selective treatment. However, to do so would to enshrine the very thing that is abhorrent in this proposal. In times of stress, conscription applies to all, and that is what is wrong with this bill, it does not apply to all. Were I to ask myself when would I volunteer to do something, it would be when all were going to do it. That is when it would be. Power, as far as I can see, corrupts. Minority governments operate very well.

5:20 p.m.

Certainly, in our country, there are many things which are poor. I hope they are because of the economy. We find the citizens in Quebec voting to separate; we find the Western Canada Concept. Change is here, unfortunately.

My grandfather used to say, "I always vote for the best man." He would have a hard time saying that now because he would have to say "person." He used to continue to say that he had always voted Conservative. I do not know what he would say now, but I know what I would say.

Communication has changed these things. Collective bargaining is designed in a balanced manner; at least, I used to think it was. It involves checks and counterchecks. This measure provides one party the full use of the scales. Teachers are left without any counterchecks. The boards are provided the power to corrupt themselves. I hope they will not. However, they may use it as a weapon.

In the case of Oxford, anything I have seen there, including this latest item, indicates to me that they will be very arbitrary. Oxford teachers will not beg the Inflation Restraint Board for anything. They realize full well that they are being bludgeoned by this measure. It was said by some wise person that



if you cannot say something good about a person or a thing then say nothing; so I have nothing to say on the IRB.

Democracy, not the democratic form of government as presently practised, is a way of life that is measured by how it functions when there are difficult times. Are all people treated the same? Are minorities treated differently? I think the answer is quite clear in this bill. The answer is that we do not have democracy; it is some form of camouflaged dictatorship masquerading as a democratic process.

Let us look at the time before September 21. Mortgage rates have dropped during the last year from on high, 21 per cent down to 14 or even 13.5 per cent. Government of Canada savings bonds dropped from 19.5 to 12 per cent. The Toronto Stock Exchange index rises significantly and dramatically, Dow Jones index breaks 1,000.

Inflation in the US drops to less than six per cent and, according to some media, four per cent. The prime borrowing rate in Canada and the US is down dramatically. Chrysler in Canada in one quarter even declares a small profit. Ford in the US has quarterly profits for the first time in several years.

Now we come to May 1982. The consumer price index runs at 11.8; June 1982, 11.2; July 1982, 10.8; August 1982, 10.6; September 1982, 10.4. For five months inflation steadily falls. Could this be some indication the economy is improving? Then on September 21 we have this divisive, selective, oppressive, coercive, pervasive measure.

The date indicates the fall, September 21. Hopefully, it is not the fall of collective bargaining. Surely before winter this committee in its deliberations will come to the conclusion that this bill should go. Teachers, I am certain, will remember September 21. They will probably remember it for as long as it takes to mark an X.

Is it possible that this measure was introduced to get on the bandwagon in order to appear to the public that the government has thought about stabilization through this derelict action? I hope it was not, but I rather feel in some ways it was. Others have said, "Well, won't employment be affected by this measure?" I do not really know any more than anyone else does, but I do know that the spending power of the teachers in the areas concerned will be down somewhat and it probably will have an adverse effect at least in that way in the areas in which they live.

In summary, the Oxford teachers strongly resent their bargaining rights being stripped from them by this facade which attempts to provide a perception of democracy. Oxford teachers feel that all citizens should be treated equally. Oxford teachers will not seek special treatment. Oxford teachers feel the complete proposal is unacceptable. Oxford teachers also worry to some degree about the year 1984-85. Who is to say this will not be enshrined? After all, they will have had, if it passes, six out of nine years.

In conclusion, just as the western world has earned a new way of life from the Organization of Petroleum Exporting Countries, the members of this committee would be well advised to listen to, and where this measure is concerned to heed, the words spoken long ago in the 11th century by Omar Knayyam.

"Would but some winged Angel ere too late  
Arrest the yet unfolded Roll of Fate  
And make the stern Recorder otherwise  
Enregister, or quite obliterate!"

Mr. Hughes: I am just going to add that we have been charged with reflecting the frustration and anger experienced by the teachers of Oxford county and I hope that the committee is appreciative of the frustrations which they feel.

Mr. Breaugh: I just want to get your reaction to a comment by the Treasurer, which you may have missed, because you were reading the brief when he said it. He whispered in reaction to your comments the word "bullshit." How do you feel about that?

Mr. Hughes: To whom was that directed, sir? To me? I would hesitate to use such a word within the hallowed and protected walls of this Legislature.

All I can say is it may be such, such individuals-- If you were a teacher in Oxford county right now, you would be faced with a situation where you had shown exemplary self-control, you had negotiated for 18 months before attempting to inflict any kind of sanction, had suddenly been informed that everything that you had done is irrelevant, that a bureaucracy would say what your salary was going to be for three years, and that it would be up to the good wishes and grace of your employer to determine absolutely any and all of your working conditions, I suspect that if adjectives and pejorative comments of that type are being thrown around, just about all of the 400 teachers in Oxford county could add quite a collection to the knowledge of this committee.

Mr. Chairman: Thank you very much for your presentation. Mr. Breaugh, I understood that we were going to hear the groups and then get the questions to them.

Mr. Wrye: They are in a little different situation than the other groups in that they have gone on strike and I think they are virtually the only teachers' group that is caught in that position.

Mr. Hughes: It is the only teachers' group which did not have a signed 1981-82 agreement at the time this bill was brought forward.

Mr. Wrye: I want to suggest to you, and you heard me earlier suggesting this to a previous witness, that it is--you spoke of minority government--somewhat likely that this committee, as you will recognize, will not propose to withdraw the bill. Let me assume that a motion gets put to kill the bill and that motion is not carried.



Mr. Cooke: That is phoney.

Mr. Wrye: Mr. Cooke, if you wish to ask a question you can ask a question. Just hold on a moment.

Mr. Bradley: Everybody is phoney but you, Cooke, eh?

Mr. Wrye: Would it be your view that the bill should at least be amended to allow totally free collective bargaining for that 1981-82 period, given that you are caught in the last two years?

Both you and Mr. Connor have made the point that teachers in Oxford county will be caught for a 36-month period. Given that the teachers have been out on strike, have negotiated for 18 months and have a great deal of frustration, would it remove some of the frustration if that 1981-82 period were left to the teachers and the board to bargain collectively and not given to the Inflation Restraint Board at all?

Mr. Hughes: The difficulty is this. I suspect that in the short term it could remove some frustration. If that solution were applied, in fact, if any solution were applied which did not address the basic element of this bill, it would create enormous frustration in the long run.

Let me take the scenario that you picked out. Let us just take working conditions. I can tell you right now what would happen because the board has already indicated it. We said we were prepared to discuss working conditions which, as you know, one is entitled to in terms of the bill. The board has already come back and said, "well, we think just about everything has a monetary component and therefore we cannot possibly discuss it in this manner."

5:30 p.m.

I would apply another point too. What is the point of negotiating working conditions for the period that is over? We could perfectly well have settled a contract by saying that in 1981-82 the pupil-teacher ratio shall be 200 to 1. So what? It's over.

While I recognize, I suspect, some sympathy for the frustrations of the teachers of Oxford county, in my mind it is impossible to adequately amend any bill which contains as its premise the legislated extension of a collective agreement.

Mr. Wrye: I'm going back to the 1981-82 year. Would it ease the frustration to have that 1981-82 period under totally free collective bargaining, including the right to strike, which the teachers had exercised at the time the Treasurer introduced this legislation? That would be free collective bargaining for the compensation package, as well as working conditions and everything else.

In effect, the board could not dodge the bullet of saying working conditions is a monetary issue because that 1981-82 period is one when everyone else has negotiated freely. Would it help to give you that right to continue to negotiate that period freely?

Mr. Hughes: Unfortunately, in practice it wouldn't work. What would happen is there would be precedents all over the place that would be established. Mr. Connor made the point that collective bargaining works on a basis of checks and balances. If you remove any or those checks and balances, even implied for the future, the process will crumble.

One of the things we did, for example, was the teachers stopped their full strike, more or less, when the legislation came down. There was a very simple reason. The purpose of having a strike vanished. Damage was being done to the school system to no purpose. Everyone knew now that the fundamental rules of the game had changed.

Although, as I said, I see the approach you are trying to take, sir, in all honesty I don't think it would be meaningful, profitable, or useful and might indeed result in the long term in even greater frustration.

Mr. Mackenzie: Also, I suggest you take the copy of Hansard for September 23 with you and check page 3650. I think you'll also find that the leader of one of the other opposition parties not only called the length of the program period inadequate, but also made a very strong case for continuing the control period at the end of whatever period there is so there can be no catch-up efforts by the members who might be affected during the period.

Mr. Wrye: You might also read into the record while you're reading those things into the record what he said on the price side too, Mr. Mackenzie.

Mr. Mackenzie: That's fine. Just take a look.

Mr. Chairman: Thank you very much for your presentation.

The next group is the Ontario Secondary School Teachers' Federation, District 30, Sault Ste. Marie. Their submission is exhibit 81. Is it possible for you to summarize or condense in some way this?

Mr. Whitehead: Yes.

Mr. Chairman: Thank you. You might identify yourselves as well, if you please.

Mr. Whitehead: I'm Jim Whitehead. I'm the president of district 30. On my immediate left is Jeff Heximer, the vice-president of the district, a teacher from Wawa and our collective bargaining officer. Jim Agnew is at the far end of the table.

In district 30 we have three collective bargaining units, one in central Algoma, one in Sault Ste. Marie and one in Wawa. What we say will be an attempt to focus at least on the peculiar effect of Bill 179 in our region.

Our submission states that we are opposed to the bill and would like to see it withdrawn on four grounds. Essentially, we think it is not sound economics. It's a little difficult following the last speaker who was so strong on all of these points, but at the risk of repeating what was an allegation, it seems to us that inflation had already trended down when this bill was introduced. We would allege that the motives of the bill, therefore, are suspect and open to a charge of political expediency in the sense of having to appear to do something before that factor in the economy got better by itself. The major indicators of inflation, the interest rates and wage settlements, have all peaked and started down or their increase has slowed.

One thing about the motives of the bill that we don't dispute and agree with is the assessment that the economy is ill. We would say that we didn't do it; somebody else was running the economy. But we do disagree with the proposed fix. We think the remedy is akin to bleeding a patient with anaemia. You are taking juice out of something that is essentially empty.

Also, we would argue that the wage restraint in the public sector is unnecessary. I'm sure that other groups have referred to the Auld report, a report commissioned by boards of education, which shows that not only have public sector wages not kept up to inflation, but teachers' wages haven't even kept up to public sector wages. Public sector wages in general haven't kept up to private sector wages and they haven't kept up to inflation. It's hard to see which of these factors is pushing. You have a case here where it's alleged that the caboose is pushing the train.

We feel also that we're not the cause. It's unrealistic to centre out one group and expect it to effect the cure. We have said that we agree the economy is in great difficulties. I am not an economist and it would be hard for me to suggest a cure, but we don't feel that we are it. Teachers, I believe, are looking for a way of participating positively in what is happening. I have some sympathy for the teachers from Dufferin who said, "If there was inflation, it wasn't us."

A long-time negotiator for our board announced when this program came down that it wasn't restraint, it was inflationary. We had been through the fact-finding process and our board had to increase our offer by 50 per cent to get it up to the restraint that was suggested by this legislation. While we're arguing in a very real sense for our self-interest here, it's not in the sense that if this legislation was spared us we would be able to accumulate more wealth. That wasn't in the cards. There wasn't going to be an inflationary settlement anywhere in Algoma.

In fact, we're in the ironic position of almost coattailing this legislation in the sense of at least it forced a half-reasonable offer from our board. You're taking our rights



away to do something that the economy had already done to us; that is, to control our expectations in the area of salary.

The second reason we would oppose this legislation is we believe it is unfair. In the obvious way it's unfair because it centres out the public sector to bear the brunt of the cure. That kind of unfairness was even recognized by the Premier (Mr. Davis) when he said: "I wouldn't do this. It would be unfair." Times change and the economy is apparently sicker than when that statement was made. We've bought an oil company since then, I think.

5:40 p.m.

The argument that the public sector and teachers or hospital workers are somehow isolated from political or economic reality and can negotiate settlements above what the economy will bear is just not borne out by the facts. We can't do it. In general, any honest look at the public sector will show that we trail along about a half year behind the private sector, turning left when they turn left, turning right when they turn right, dropping when they drop. Then when we surface we peak at the level the private sector reaches and then drop down half a per cent below it again.

This is not the part of the economy that should be corrected first. I think it's particularly unfair to argue, to teachers at least or any worker in education, that this legislation would somehow create or protect jobs. It doesn't. The only way we have of protecting our jobs in a period of declining enrolment is through the negotiating process. We have had some measure of success in protecting some positions for some length of time. The only difference that this legislation will make in terms of our jobs is that we won't be able to do that any more.

We oppose the bill because it will work a particular hardship on our members, not perhaps equal to the hardship of the teachers in Oxford county or perhaps equal to the hardship of the support-staff workers at universities making \$12,000 a year, but a hardship certainly relative to other groups with which we have compared ourselves in the past. We have been, in a sense, centred out for another aberration that will go into the collective bargaining process and will be there after this legislation ends.

Finally, we oppose the bill because we believe in collective bargaining as an institution. If you look at just one bit of our submission, the last page of it is a history of collective bargaining in Sault Ste. Marie, but it could be almost any school board in Ontario. We have a history of legislation, controls, ceilings, rollbacks. When we say we're fighting for the return of free collective bargaining, that's almost dishonest. We don't really know what free collective bargaining is. We've never had two years in a row when the rules haven't changed or an external force hasn't been applied to the process in midstream.

I submit that this legislation does long-term damage to an important institution that was only developing in education, that is, the institution of free collective bargaining. Look at this record. It's almost as if somebody here doesn't believe in that

institution and would like to see it wither away and have arbitrary powers substituted. I believe that is not in the long-term interest of justice and good government in Ontario.

Mr. Heximer: I would like to speak also against controls and interference in free collective bargaining. I feel that interference in free markets will cause more destruction and lasting inequities in these markets. You'll note throughout this nation and this province that following the Anti-Inflation Board there was a catch-up mood amongst these public sector groups and this spurred another cycle of inflation.

We should observe also government pricing in gasoline. As a result of government price regulations, there was a 40 per cent increase overnight in Sault Ste. Marie. Such on-again, off-again controls in free bargaining are only going to prolong the inconsistencies which exist in collective negotiations in both the public and private sectors.

Bill 179 attempts to limit the wage bill of the province. The problem is that the province has expenditures exceeding revenues. When provincial revenue is down, it's the result of unemployment. We need some type of a positive stimulus into the labour market to help with this deficit problem.

Consumer spending will help Ontario, industrial spending will help Ontario and lower interest rates will help consumer and industrial spending. Government, business and consumers are all spending too much money servicing debts. By persuading the lending institutions to control the cost of money, consumers and business can get involved in buying new goods and not paying for old goods.

In the good times the public sector wages were lower than in the private sector. In the bad times the private sector gets laid off, but then the invisible hand of capitalism is supposed to take them to a new market. In good times and in bad times public sectors are restrained and they are laid off. Job insecurity does exist in the public sector.

In my small school division there is a declining enrolment. In six years our enrolment has gone from 600 to 450 students. There is also the beginnings of the institution of a French entity which would mean that in this province you would lose your job not because you couldn't do it, but because you didn't speak French.

The economic wellbeing of the community is certainly a factor in job security for us. The Ministry of the Environment has come to our principal at the school and told him to devise a plan for operating the school on not 500 but 100 students because of the emission controls that would be placed on Algoma ore division.

To interfere in collective bargaining in Michipicoten with a five per cent ceiling may, in fact, be inflationary. Without Bill 179 we'd enter into negotiations in an economic environment featuring a 40 per cent rate of unemployment. The natural result of free collective bargaining would reflect this economic environment. The insertion of a five per cent ceiling and the withdrawal of free collective bargaining will only remove our



negotiations from the economic realities of our community, so I urge you to withdraw Bill 179.

Mr. Mackenzie: I wanted to ask you--I asked it two or three groups back--do you have feeling for the effect this has on the teachers as well in terms of teaching our kids when you get something as fundamentally dishonest as this denial of rights? What is the teachers' reaction to it in class in a country like this and a province like Ontario?

Mr. Whitenead: My feeling is that it's negative. I finished up with the line that it's not consistent with good government or justice. Teachers definitely have that sense. I think it will grow.

As I said, we are not here crying poor in the sense of the nine per cent that is imposed. It's not substantially different from we were going to have by using the process. I think it's a little bit like the War Measures Act. There is a sense right now in our economy that things are desperate and a lot of teachers are accepting that. Certainly as the realities of this legislation sets in, the anger mounts in the sense that there is not anything in the system we can rely on.

Mr. Mackenzie: There was an exchange in the House a week ago where an increase in prices being brought about was considerably above five per cent. The minister responsible, I suspect without really thinking, said to the opposition: "Come on, quit playing games. You people know this agreement was in place prior to this legislation coming in." The hypocrisy concerning contracts that have been in place for several months prior to this legislation seemed to have been lost on him.

Mr. Whitehead: It's difficult to negotiate at the best of times. When the rules change every time, the process just won't work. I think what we are losing is a process that could work and a process we need in good times and bad times and which reflects good times and bad times. How are we going to make collective agreements, how are we going to develop any sort of relationship with a board of education that says negotiations have to take place?

5:50 p.m.

Mr. Bradley: You are in a position of really being potentially affected by the double whammy of the provisions of Bill 179 and the provisions of the transfer grants from the provincial government to local boards of education, and ultimately then not only the loss of spending power through your potential increase in salary, but also the loss of jobs.

What ramifications--and I realize I'm looking at a ball-park figure--would restricting transfer payments to the local board of education to five per cent or less have on staffing and other things that are provided to your board of education outside of the salary aspect of things? Second, what representations are you as a federation making to ensure that those transfer payments might be at least in line with meeting the objectives of the mandate of

Bill 82 and other objectives of the Ministry of Education?

Mr. Whitehead: I am tempted to reply to that question that we are not concerned about it, because in a public meeting in Sault Ste. Marie the Minister of Labour (Mr. Ramsay) assured us that he had every reason to expect the transfer payments would be more than five per cent and would be not necessarily limited to nine.

Mr. Bradley: The Treasurer told me in the House last week that was not the case and the Treasurer carries weight.

Mr. Whitehead: That's a little more weight then.

Mr. Bradley: I hope Mr. Ramsay wins in that battle.

Mr. Whitehead: I don't think he's going to fight very hard because he assured me that the qualifications outweighed the substance of the answer. There's a multiplier effect when declining enrolment meets declining funding which doesn't keep up to the rate of inflation. We've had a policy of submitting to the Treasurer our concerns about the transfer of the funds and the way funding locally has declined.

I think it definitely will make the boards very militant and collective bargaining will break down again. The boards of education I've dealt with have been fiscally responsible. They don't want to give teachers a lot of money. I don't know where this idea originated that boards wanted to make teachers wealthy. They don't need the system of ceilings which will prevent them negotiating.

Mr. Agnew: I think there's a double effect in that you affix costs and a lot of your classroom costs don't go down lockstep with declining enrolment. However, the board's grants are tied to pupil numbers. Therefore, when the percentage grant goes down and the enrolment goes down, you've got a triple effect. The board is going to have to cut someplace, whether it's going to be in firing teachers, cutting programs or in some other area. Their hands are really limited.

Mr. Whitehead: The program is what goes first.

Mr. Chairman: Thank you very much. The next group is the Ontario Secondary School Teachers' Federation, District 26, Ottawa. The brief in the blue cover is their brief. It is number 82. Would you carry on and please identify yourself?

Mr. Hicks: Thank you very much, Mr. Chairman. I am Max Hicks, past president of district 26, Ottawa. With me are Janet Boulerville, vice-president, district 26, and Bob Adair, chief negotiator. Thank you, first of all, for rescheduling us. We were supposed to be here on Thursday.

The Carleton Separate School Board signed its collective agreement with its teachers before September 1, 1982; the Ottawa board didn't. That simple fact, combined with the effects of Bill 179, could result in two teachers who have exactly the same

qualifications, the same teaching experience and doing essentially exactly the same job earning during the school year 1983-84 salaries which differ by anywhere from \$2,500 to \$6,000, \$7,000 or \$8,000. It depends upon the interpretation and the final form that Bill 179 takes. I draw your attention to appendix A of our brief to illustrate that.

The Carleton Separate School Board has already settled its collective agreement for this year. Combined with the five per cent that Bill 179 allows, the maximum they will receive is a category 4 maximum, \$44,444. The Ottawa secondary school teachers, if they are able to achieve the maximum nine per cent allowed and then the five per cent, will receive \$41,946. The disparity between those two boards of category 4 maximums will be a minimum of \$2,500.

That is only for teachers in category 4. There is another inequity in Bill 179, and I'd like to bring you to appendix C to illustrate that. The 1983-84 grid projected for Ottawa teachers, assuming we receive nine per cent and then five per cent, shows a category 4 maximum of \$41,946. However, Bill 179 includes a provision that \$35,000 may not be pierced if a teacher is going to change category.

A teacher who completed the necessary requirements to move into category 4 during this present term, during this coming year, will not be allowed to do so, and so he could have as a maximum \$39,555. Compared to the neighbouring teacher in a neighbouring school, that is approximately \$5,000 less for doing the same job with the same qualifications and the same number of years of teaching experience. If somebody could theoretically move from category 2 to category 4 within the next year and a half or two years, and it is my understanding that is possible, the difference could be as much as \$8,000.

Two years ago we did a survey in Ottawa which showed that 90 per cent of secondary school teachers are engaged in extracurricular activities in some way, shape or form. Extracurricular are those activities which involve teachers and students outside of the regular classroom. That survey did two things. First of all, it destroyed totally the myth that the majority of teachers come to school at nine o'clock and leave at 3:30 p.m. Secondly, it demonstrated very clearly the large number of teachers who actually get involved.

If we bother to extrapolate that survey to the entire province and allocate the rate paid to continuing education, it's my estimate that the province is receiving as a benefit voluntary contributions somewhere in the neighbourhood of \$30 million. That is just secondary school teachers, OSSTF. Including l'Association des enseignants franco-ontariens, elementary and separate school teachers, a reasonable estimate would be somewhere around \$300 million.

I relate that only to place what I'm going to say in its proper perspective, that is, that Bill 179 contains enough irregularities that it has managed to make every teacher in the province feel he or she has been personally and individually discriminated against.



For example, a teacher in Ottawa decided five years ago to start on a program which will allow him to move into category 4. He realized that purchasing power was gradually being eroded since the negotiated raises were not keeping pace with inflation--and that is borne out by the Auld report--and his only choice was to upgrade. He has been doing that for the last five years. He's taking the last course now and will finish in December, but he will not be eligible to move into category 4. Five years after he started playing the game, the rules got changed.

He teaches computer science. He arrives at school one hour and 15 minutes before school starts and stays 45 minutes after school finishes. He does that voluntarily and on his own. He does that because he wants the students to have access to the computers in his room. Our concern is will he, or will the teachers across the province, start to question that extra contribution? To expect them to do anything else is to expect them to be less than human.

6 p.m.

We are concerned about Bill 179 as OSSTF members because of the financial implications, but we are also concerned about the bill because of its possible effect on the educational system. The system operates now successfully because of the classroom teacher, and Bill 179 has managed to upset them.

There is no doubt that every single teacher who has signed up for extracurricular activities this year, or agreed to sign up, will continue to do it in spite of what the government decides to do. Teachers are like that. The concern we have is will they start to question their extra contribution next year or the year after or the year after that? When we consider the possible effects of Bill 179, combined with all the other demands that have been placed on the shoulders of teachers, I do not think it is worth the risk and I think Bill 179 should be withdrawn.

Mr. Breaugh: I would like to pick up a little bit on the remarks you just finished making. Part of teaching has always been an acknowledged routine of work in the classroom and outside the classroom. A grey area has always been what, when I was teaching, was referred to as extracurricular work.

Why wouldn't teachers now look at that field as being something that, in all fairness, has to be reviewed substantively? After all, if there is now legislation in place which removes your right to bargain and which breaks with the traditions of free collective bargaining totally, why wouldn't teachers now look at that whole field, where every teacher I have ever known does a substantial amount of work in sports, in recreational stuff, in artistic activities inside the school and also a fair amount of additional work outside normal school hours, doing standard curriculum work as well? Why wouldn't teachers look at that more seriously now?

Mr. Hicks: I think my personal feeling on that is that it is inevitable, but it certainly will not take place collectively so that next year every single teacher who is

involved in extracurricular activities makes a decision to do it. That will not happen. There are some teachers who will probably continue to do extracurricular activity if you reduce their salaries. Again, teachers are like that. That is part of their job and they couldn't think of teaching without doing that, but I think it can possibly have some kind of an effect on the extra contribution that teachers make. I think that is inevitable.

Mr. Breaugh: Would you consider that whole field to be a matter of, I believe the terminology used in the bill is, nonmonetary items?

Mr. Hicks: No.

Mr. Breaugh: Teachers don't get paid for that. What do you call it?

Mr. Hicks: As far as teachers are concerned, those contributions are entirely voluntary, they are not being paid for those. They are not contained in any collective agreement. The fact that an individual teacher chooses to coach football or do drama or practice with the band is entirely voluntary. If he or she decided not to do it next year, there isn't anything in anybody's collective agreement, nor in any legislation, which will prevent them from doing it.

Mr. Breaugh: Is it your feeling that that may well be what happens, that it may take some time to get to that point, but it eventually will?

Mr. Hicks: The long-term effects of Bill 179, because I think we are not being realistic if we think it is a two-year deal, will result in a deterioration of the attitude between teachers and the school system.

Mr. Breaugh: Have you any estimate of what it would cost, for example, if, in the long run, teachers decided that that whole traditional area of the work they do is a matter which should be reviewed substantively, that the work that a teacher does after school hours or before school hours or on the weekend is part and parcel of the job and that he should now negotiate that?

In other jurisdictions that is precisely what does happen. The football coach is a football coach and gets paid for being a football coach and there is a negotiated salary and package of benefits put together to acknowledge that. In Ontario schools that has never been the case.

Would you have some feeling that in a perverse kind of way what starts out as being a restraint program may well, in the long run, generate additional expenditures? If teachers in Ontario ever did decide that all of that work, which has kind of been taken for granted for so long, is work which ought to be recognized at the negotiating table, put a price tag on that and the trend in bargaining then reversed itself and that did become a matter of negotiation, I think it would have a substantial impact on the school board's budget.



Mr. Hicks: At the present time I don't think the teachers are ready to even consider that. They are so committed to giving the extra contribution that right now they are not prepared to even consider that. I am talking about the long-term effect. Teachers will begin to realize that, and maybe at that time something will happen, but it is millions of dollars, in my opinion, of voluntary contribution right now.

Mr. Brandt: Perhaps you could be helpful to me because there are some of us who are struggling with Bill 179 and attempting to come to grips with what the ramifications might be. I have some concerns.

I can appreciate your position, I want you to know, and I am not taking an adversary role in this whole debate, but I do have some concerns, and they are very real, about the increased level of unemployment in our province and our country and the impact on those people who are least able to afford the kinds of tax increases that have to be rolled through the economy to pay for whatever settlements might result from negotiations, somewhat in line with either the consumer price index or the level of inflation and so forth.

I guess the position of those who are supporting Bill 179 is that this may help to preserve jobs. I recognize that your sector, or your profession in particular, has been hard hit by declining enrolment and there have been some cutbacks in your particular job category. I can well appreciate the apprehensions that you might have.

My feeling, however, is that Bill 179, through controlling at least some of the cost to government, may help to spread declining revenues and declining resources over a broader base and may help to preserve some jobs during what could be termed, I think, a crisis period. I do not want to use that word lightly. I haven't used it yet in this committee and I think the word is perhaps applicable to the situation we face at the moment. It is very difficult and there are those perhaps who would take a partisan position and say it is all the fault of Ontario. I think I would have to take a more global view and say that we are facing a worldwide recession, particularly in industrial countries, and something has to be done.

I am not going to sit here and tell you that Bill 179 is going to increase employment, but I would like to suggest to you that it may help to stop the erosion of jobs in our economy and perhaps slow down the decline in the numbers of employed people we have, in the public sector particularly. I wonder if that view has any validity whatever, particularly as far as you are concerned.

Mr. Hicks: Unfortunately, I don't share the view that restricting the amount of money that public service employees are allowed to negotiate will have any effect whatsoever on employment, after hearing what you very accurately described as an industrial problem. We are simply moving away from an industrial-based society to an information-based one. Until we wake up and realize that, we are going to have unemployment. Even

pouring \$500 billion into the economy is not going to make any difference until we come to grips with that problem.

Mr. Brandt: Share with me, if you would, your views with respect to potential options that might be available for government then, recognizing that there are some on the opposite side of the House, speaking of the New Democratic Party in particular, who indicate that all the government is doing is extracting from the economy X millions of dollars and that reduces purchasing power.

I know we are getting into some economic theories as to what the impact of that might be. There are others who suggest that that money is not being extracted from the economy, but is being left in the hands of other taxpayers and they too are consumers of goods and purchasers of products that have to be purchased in the economy.

One way or the other, that money is either in the hands of the teaching profession or it is in the hands of other consumers, other taxpayers. The government is not going to hide that money. It has only two sources of being able to cover your salaries. One is through the revenue it raises and the other is through the deficit it happens to be encumbered with in any one given year, which ultimately has to be paid. In reality, I may be oversimplifying, but those are really the two sources of government spending.

What option would you look at as being a viable alternative to Bill 179? I appreciate the fact that you have probably taken a very hard look at this and have probably said that the government is not completely dumb in its approach. Maybe you have said this; I don't know. But you are probably saying that the government could have considered some other options, some other alternative.

I would like you to share what that might be with me and those of us who are trying to grips in an honest and humane fashion with a very difficult, sensitive and very awkward problem. I can appreciate your view but I cannot answer all your questions. I know the problem and I am trying to come to grips with some solutions. Could you suggest something for me?

Mr. Hicks: I simply would restate what another previous speaker said; namely, the economic climatic conditions of the country dictate the settlements that people get. You change your expectation automatically because of the situation which occurs.

If the nine and five or six and five had not even been mentioned, the salary negotiated settlements would have been less than they were the previous year. I think that the economy takes care of itself. I believe in that and I think that external forces simply tend to skew it, and external forces mean nothing.

Mr. Mitchell: Mr. Chairman, as a procedural suggestion or motion, and rather than risk the fact of someone recognizing certain things, and since we are apparently in agreement amongst all parties in recognizing that there is a group of people here who have not yet been heard today, and recognizing that this day

terminates the public hearings, based on agreement in the House, I would move that a representative group of this committee will sit beyond 6 p.m. to hear those groups on today's schedule that have not been heard to allow them to be read into Hansard, that this be done with agreement that no votes are called for or motions introduced.

Mr. Breaugn: What time is it?

Mr. Chairman: It is 6:12 and a half, November 1, 1982.

Mr. Breaugn: How late does this committee have authority to sit today?

Mr. Chairman: Until six o'clock.

Mr. Breaugn: After six o'clock, is the motion in order?

Mr. Chairman: No, it is not. The precedent of this committee for the last year and a half is that once the clock is recognized, we must follow the rules of the House. The rules of the House state that we must stop at 6 p.m., with public participation ending on November 1. Those are the mandatory instructions of the House as unanimously agreed by all three parties.

The clock having been pointed out, I have no alternative but to adjourn these hearings until tomorrow following routine proceedings to commence clause by clause.

The committee adjourned at 6:14 p.m.



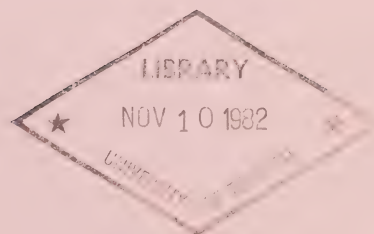
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STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

INFLATION RESTRAINT ACT

TUESDAY, NOVEMBER 2, 1982

Afternoon sitting





STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breaugh, M. J. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Elston, M. J. (Huron-Bruce L)  
Eves, E. L. (Parry Sound PC)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Stevenson, K. R. (Durham-York PC)  
Swart, M. L. (Welland-Thorold NDP)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitutions:

Riddell, J. K. (Huron-Middlesex L) for Mr. Breithaupt  
Spensieri, M. A. (Yorkview L) for Mr. Elston

Also taking part:

Cooke, D. S. (Windsor-Riverside NDP)  
Johnston, R. F. (Scarborough West NDP)  
Jones, T., Parliamentary Assistant to the Treasurer of Ontario and  
Minister of Economics (Mississauga North PC)  
Laughren, F. (Nickel Belt NDP)  
Mackenzie, R. W. (Hamilton East NDP)  
Miller, Hon. F. S., Treasurer of Ontario and Minister of Economics  
(Muskoka PC)  
Philip, E. T. (Etobicoke NDP)

Clerk: Arnott, D.

LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Tuesday, November 2, 1982

The committee met at 3:30 p.m. in room 151.

INFLATION RESTRAINT ACT  
(continued)

Consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: I see a quorum. The first thing we should do is get next wednesday sorted out from Mr. Renwick's suggestion. I think we cleared things away. Mr. Mackenzie, this committee can order its own business on that Wednesday. Do you want to carry on and make that motion?

Mr. Mackenzie moves that the committee not sit next Wednesday. That would be November 10, 1982.

All those in favour of that motion? All opposed? None. Carried unanimously. Thank you. There is another motion.

Mr. Mackenzie moves that this committee request the House leaders to consider arrangements to allow the presentation of those public submissions which as of November 1, 1982, were not presented to the committee.

Mr. Chairman: Fine. Thank you. Does everyone have a copy of this?

Mr. Cooke: Mr. Chairman, I can supply a copy of a number of procedural motions--

Mr. Chairman: Somebody said yes. Does everyone have a copy of this motion? The answer is no. This is NDP number one. All right. There is a motion on the floor, and I am ruling that the motion is in order, if you had any doubt, Mr. Mackenzie. Any other discussion on this motion?

Mr. Mitchell: I would just like to clearly point out, Mr. Chairman, that you know is was every intent of this committee to try to hear those people who were here last evening and in fact it was not us who cut off the debate.

Mr. Cooke: Mr. Chairman, I think it should be pointed out that there are, I believe, close to 40 groups that would still like to make presentations to this committee. I think we did hear a large number of groups, but those other 40 groups are still a substantial number that would have presented their personal feelings and the feelings of their memberships to this committee.

On a bill that is classed or described by this government as a response to the economic emergency facing this province, I think the hearings that were scheduled proved to be inadequate in terms of time. There was no guessing on the part of any of the three political parties as to how long these hearings would take. We put forward several positive proposals in terms of time and we think those proposals are still valid. If this committee is open to democracy and to listening to those people who have strong feelings on this particular bill, we still should go forward with those 40 presentations.

In terms of Mr. Mitchell's comments, I think they are rather unfair. Last night there were a few more groups to be heard, but that would still have left 35 groups or so to be heard by this committee. The reality of the situation is that we should have longer hearings, at least four more days, so that all 40 groups could have been heard. By refusing this motion, if that is the position that the government party will take, they are saying to those 40 groups, "We don't want to listen to your briefs."

Mr. Mitchell: Mr. Chairman, I'm obviously paraphrasing as I don't have Hansard in front of me, but I do recall when we were facing this dilemma Mr. Cooke appeared to have said he would be prepared to limit the time on clause by clause to ensure that we heard from everybody. In fact, this committee did attempt to resolve that issue. The proposal was one of Mr. Watson's.

Mr. Cooke: What was the proposal your House leader put forward?

Mr. Mitchell: The proposal was to affix a time for completion of the deliberations on the bill.

Mr. Cooke: What was the proposal your House leader put forward?

Mr. Mitchell: Wait a minute. If you're prepared to give me a cutoff date on clause by clause, which seems simple enough to request, we would be quite prepared. We attempted to get a fixed time frame so that we could order our own time.

Mr. Mackenzie: I think a few things should be put clearly on the record. I moved the original motions to ask for additional time. At no time, at no place, in the motions I moved did I deal with question of limiting the arguments on clause by clause.

Mr. Mitchell: Mr. Cooke did indicate--

Mr. Mackenzie: Neither did Mr. Cooke.

Mr. Cooke: That's not true.

Mr. Mackenzie: That's not true. I made the argument as best I could, as did some of my colleagues, that when we originally sat down and took a look at the scheduling of this committee--if I can recall, originally it was suggested a week's

hearings and government leaders' meetings and a week on clause by clause. We simply pointed out that would be totally inadequate for those to appear before the committee whose concern was direct, not only on the fundamental fact that they were going to have their contracts destroyed and the right to strike and arbitrate taken away from them, but who would be affected also financially.

We were doing it on that basis because we asked for those House leaders' meetings for an estimate of what we thought might be the kind of turnout or the kind of interest we would have. Our estimate, given at those meetings, was that we thought as many as 50 groups might want to appear.

It became obvious fairly early in the game that we didn't have 50, we didn't have 60 and we didn't have 70. I think we ended up with about or somewhere close to 120 groups. If it hadn't been for the cutoff date on October 22, I can assure you there would have been an awful lot more. I myself heard of more in Hamilton on the Sunday, only two of which came in here, as a result of a meeting organized by Ontario Public Service Employees Union. They covered all unions, individuals, the McMaster faculty dealing with labour studies. There were some excellent briefs.

There were about 30 submissions in London, several of which did not come in here. Part of the reason for this, and part of the reason for the compendium we finally got at one o'clock the other night over in the Macdonald Block, was that these were groups that were not able to meet here within the 100 to 120 groups that asked for a submission to this committee.

We don't like the bill; that's obvious. But I want it made clear that one of the reasons for the motions that I was moving was that it was obvious an awful lot of people with a direct stake in this legislation were not going to be heard by this committee, not only those that couldn't get in, but those that met the requirements and the deadlines as set out in the ads that we put in, the deadline for October 22, and indeed had even submitted briefs.

That was the reason for the motions I moved, to try to get, initially very low key, this committee to ask the House leaders to allocate some more time. The bastardization of that motion that came out of the Tory caucus, that we will look at an additional two days, actually the responsibility probably--

Mr. Mitchell: I am not aware of any specific time being--

Interjections.

Mr. Chairman: Mr. Mackenzie as the floor.

Mr. Mackenzie: I think the specific proposals came from Mr. Wrye. I'm not sure. I know that their position was two days. We had suggested four. We had never made any suggestion of cutting back on the clause-by-clause time, but they were prepared to. The motion that came from the Tory government was two days additional hearings for a four-day guarantee on clause by clause. That did not represent--



Mr. Watson: On a point of order, Mr. Chairman: That was not the motion that came from the Tories.

Mr. Mackenzie: It was very close if it was not.

Mr. Watson: No time was mentioned.

Mr. Mackenzie: Maybe before I continue you would give me the specific motion that came from the Tories again. They wanted an overall time frame.

Mr. Watson: We moved that a date be set for the reporting back of this bill to the House.

Mr. Mackenzie: That date replaced the amendment that was moved by the Liberals, which was four days of clause by clause for two additional days. The point I'm making to you is that was not the intent, nor was it included at any time in the motion we moved.

The motion was designed to allow those that have a very definite stake in this bill to appear before this committee. I want to make that clear. At no time were we agreeing to a closure in terms of clause by clause.

3:40 p.m.

Mr. Chairman: Mr. Mackenzie, I'm not cutting you off. Could I get some clarification? You've moved this, but as you know, the mandatory instructions say what will end and what will proceed today--the clause-by-clause proceeding today. Your motion doesn't address itself to what would happen if this passed.

If this does not pass, there is no problem. If it does pass, what would happen with the clause by clause? Would the clause by clause proceed today?

Mr. Mackenzie: The clause by clause would have to wait until those people that have such a vital stake in it had had their hearing before this committee. It's as fundamental as that.

Mr. Chairman: Fine. I wanted clarification.

Mr. Mackenzie: You invited submissions. Get them within the deadlines, get written briefs. Then you say: "Hey, we told you as long as you had it on a certain date that we would hear you, but now we're not going to hear you."

Mr. Chairman: I wanted clarification as to how the clause by clause fitted with your motion. If you're through, I'll go to Mr. Swart.

Mr. Mackenzie: No, I'm not finished yet. Most of us have no idea, as yet, as to what's in those briefs. There could be some good arguments or very fundamental issues raised. I know some people think it's really a bullshit deal, what some of the groups are saying.



Let me tell you, those people are honest in their presentations. They believe what they're saying. They're the ones whose ox is being gored. They're getting hurt. They should have the right to appear before this committee. That's certainly the basis of the motion I'm moving here today.

Mr. Swart: This is the first opportunity I have had to be in on this committee. I'm aware that our members here have pushed for full discussion at every stage of this bill without any limitation.

I'm aware of some of the debate that has taken place on this matter. It is the policy of this party that there should be no limitations, that there should be full discussion, whether it be second reading, hearing delegations, clause-by-clause discussion, or for that matter, third reading.

Since I have not been on this committee, I want to bring a different perspective to the need for hearing those who indicated they want to make a presentation to this committee. I recognize members here have sat through long hearings. I am aware of what the government wants to do in limiting the discussion on this bill.

I will tell you very clearly, as a member who has not been greatly involved in this bill, the perspective of the public out there--those 40 groups which are cut off without being heard--is of anger and frustration. It's going to leave a bitterness that will react unfavourably against the members of this committee and the government.

I can bring that more clearly than anybody else from the number of calls I have had from those people. They may not see what some of you on this committee see. On a matter as significant as this, a matter which is absolutely new in its implementation in this province, there should be the fullest of discussions.

I've seen discussions on the Planning Act and on the Pits and Quarries Control Act that have gone on month after month--probably a year or two since we began discussing them.

This is a bill of tremendous significance. It is directly clobbering a large group of people in this province. To say to them that they cannot be heard by this committee is going to leave a bitterness that this government will regret in the long run.

Mr. Wrye: I will be brief and say that our party is prepared to support this procedural motion. We have tried from the outset of the hearing process to ensure that all of the 40 or so groups that have not yet been heard would get a chance to speak.

Our party agreed last night not to see the clock. I remind my friends behind me, which party it was, which denied the opportunity of the last five groups on our agenda yesterday to--

Mr. Laughren: Don't be silly.

Mr. Wrye: I heard something about don't be silly, but it wasn't my party. If you weren't so busy up in York South, Mr. Cooke, trying to get your party leader in you would have been here and perhaps you could have dissuaded the member from Osnawa (Mr. Breaugh) from seeing the clock. Having said that, we will support this motion--

Mr. Laughren: And the bill.

Mr. Wrye: --to provide for additional nearings. When we get beyond the procedural motion, Mr. Laughren and members of the committee will see the amendments we propose for this bill.

Mr. Laughren: Whether there are amendments or not, they'll support the bill, of course.

Mr. Philip: Mr. Chairman, I think it's important not only that the committee hear all points of view, but also that anyone who has a point of view to offer feels that fairness is done by him.

In one committee I recall, in every town we we had dump truck operators come before us. In many cases they said much the same thing, but it was important for them to say it. It was important for them to feel that as part of the democratic process they could, in a personal way, get out of themselves what they felt very strongly about.

It's not just a matter of fairness in the sense that we need information--as much information as possible; it's also part of the democratic process that people who feel they have something to say to their politicians can appear before a committee such as this to express those opinions, whatever that opinion may be.

From that point of view, there's an argument in favour also of the motion.

Mr. Watson: Mr. Chairman, I noticed that you've allowed this to be in order. I would suggest it is almost the same as the motion I put the other day. For clarification under the wording, where it says "consider arrangements," I wonder if the New Democratic Party members are now prepared to back the motion I put the other day. Have they reconsidered and are they prepared to make that as part of their arrangements?

Mr. Cooke: If Mr. Watson is asking the NDP to accept closure, Mr. Watson knows darn well what our position is on closure.

Mr. Chairman: First, it's not the same as the other one. One of them was dealt with and this is a separate one. Mr. Johnston, did you wish to speak to this?

Mr. R. F. Johnston: I got my answer. Here we have a bill which is important to all members of the Legislature. It is seen as important to a large number of people. It's the kind of bill which, if the government sees fit, it can continue to push through and it will become law.

The dates are already established in terms of when parts of it would become effective, et cetera. There is no way, unless amendments are brought forward and agreed to by the government, that will change. It seems to me that in the process of discussing this kind of bill it is vital that we think about the process, that we think about the concept of people having the ability to come before us. We advertised and a lot of us expected perhaps 40 or 50 groups to come forward. Instead, we were deluged with requests.

In the few times I've been sitting in on the committee, I've felt that people were well heard. People felt they got a chance to make their presentations. I think it's very dangerous for this committee at this point to decide that those people who got their requests in within the time limit that was put in the paper and publicized around the province will not have a chance to be heard.

3:50 p.m.

It is vital at this stage that people understand this place is responsive to the public. We often hear complaints about the apathy in our society. Fifty-nine per cent--or whatever it was--of the people voted in the last provincial election. It was one of the lowest turnouts we have ever seen. If we want to encourage people to participate in the process, if we want people to feel they have a voice and a voice that should be heard, then those who got in by the time limit should be provided the courtesy of a hearing.

I would just encourage the committee to accept this motion and to understand that to not to accept it impinges upon our credibility all around, on all parties involved. It makes it look as if we are willing to go through an exercise of hearing, but not to really listen. That is essentially what you are doing when you cut off certain delegations that have gone through the process we asked them to, which was to apply within a certain time limit.

That then falls upon us. It makes us seem more like a bit of a Star Chamber. It makes us look more like a distanced group which has its own little debates but does not want to listen to the people and does not wish to be representative of the people or allow them to make representations. I feel this motion is crucial to our credibility as a Legislature, not just to this particular committee's operations.

Mr. Laughren: Mr. Chairman, I never cease to be amazed at the double standards of the government members. I remember last spring--and I will try not to be provocative--when we tried to get the committee to agree to advertise widely for hearings on the sales tax bill. The government members said no, because there would not be time to hear everybody if we did that. Now this fall they advertise but then do not agree to hear everybody who responds to those ads and wants to make a presentation to the committee.

I am confused. What is the position of the government in this regard? One minute, when it suits their purpose, they say, "No, we won't advertise because there wouldn't be time to hear



everybody," and the next time the issue arises they say, "we will advertise but we won't hear everybody who responds." I am confused as to what kind of game you are playing here. There is no consistency in the position you are taking.

Mr. Brandt: We realize that.

Mr. Laughren: You realize that.

Mr. Brandt: We realize you are confused.

Mr. Laughren: You realize you are being inconsistent as well. In another year or so you will be bemoaning the fact that when you put ads in to make representations before legislative committees, nobody comes, nobody shows up. Then when you bring in legislation that is inappropriate, you will say: "I don't know how we were supposed to know that people would be upset about it. We advertised and nobody came to make representations to the committee."

Yet here you advertise and then you don't allow time for those briefs to be heard. The people have put a lot of work into those presentations and care very much about what you are trying to do.

Mr. Chairman: Mr. Laughren, could I remind you that the advertisements were unanimously approved? Your reference to "you" as government members is not fair.

Mr. Laughren: Wait a minute. We wanted to do the ads last spring on the sales tax and you wouldn't do it.

Mr. Chairman: I am talking about the ads this committee put in the newspaper.

Mr. Laughren: I agree. I am saying that this time everybody agreed. You missed my point entirely, Mr. Chairman, which only partly surprises me. On a previous occasion you wouldn't do the advertising because, as you said, too many people would come and you wouldn't be able to hear them. This time you do the advertising and you say, "We won't hear these people who have responded to the ads." Don't you see the inconsistency in your position? It is there. That is why I think the government members should reconsider their position and support Mr. Mackenzie's motion.

Mr. Mitchell: With respect, I have difficulty understanding the honourable member. He talks about us having a double standard. Surely we clearly indicated that we were prepared at that time to extend the public hearings for a commitment of your group. Is your group concerned about the public hearings? If you are concerned about the public hearings, then surely you could have accepted that previous motion to ask for some time frame in which to complete our business. You refused to do that.

Mr. Laughren: We do not believe in that kind of closure.

Mr. Mitchell: I do not understand your arguments. You talk about the standard then.

Interjections.

Mr. Cooke: Mr. Mitchell, you only know half the facts. If you knew what the proposal was, two more days of public hearings, and then closure on clause by clause, if you had any commitment to democracy--

Interjections.

Mr. Chairman: Order. Only one of you on the floor.

Mr. Mitchell: We asked for an agreement to be arrived at between the House leaders for a time frame in which we could order our own time.

Mr. Cooke: And they discussed it and came up with--

Mr. Chairman: Mr. Cooke, are you finished? Please keep it down unless you have the floor.

Mr. Mackenzie: I will do my best, Mr. Chairman, but it is very difficult. It is an eminently reasonable argument that if we are going to go through the process of hearing those who should be heard and who have a right to be heard--and that is another 35 or 40 groups, whatever it is, on top of the tremendous number who have already been before us--the extra information you hear will make you want to give even more serious consideration to the clause-by-clause procedure on this particular bill.

It seems to me that to grab a couple of days' extra hearings only and then expect that you are going to cut down on the time, that you then have a chance to look at the implications of each individual clause in this bill, does not make any sense whatsoever.

Mr. Mitchell: We made no mention on this side about time.

Mr. Mackenzie: Your House leader did.

Mr. Brandt: Sorry, Mr. Chairman, I was not expecting that very brief comment from the other side. The tactics of the third party are quite obvious. We watched your performance in the House with great interest and I think an appropriate word for what was going on is nothing less than filibuster. There was a great deal of time consumed over needless, repetitious, nonsensical arguments, in my view. I listened with great interest because I was trying to find something substantive that was going to be said by your party with respect to Bill 179.

I am quite prepared, as are the members of my party, to deal in a constructive way with this bill. I see that I may have provoked some interest on the other side because the hands are going up. If the third party will accept at least some reasonable parameters, we will be flexible with respect to the context in which this committee can proceed, both in relation to the hearings and in relation to clause by clause.



If you want it both ways, you can continue to filibuster ad nauseam in the kind of way you did in the House, which I think is a blatant misuse of the democratic process and I do not want to be a party to it.

Interjection: What did he say?

Mr. Brandt: He said he agrees with me.

Mr. R. F. Johnston: Mr. Chairman, I will try to explain in detail all the tactics of the New Democratic Party at a later date after they have been completely successful. I take it as a personal slight, though, that you thought my short and succinct speech of a couple of hours was longer than it needed to be when this bill is so offensive to myself and to the principles for which our party stands. I think you can only expect that kind of response by an opposition when you bring in this kind of legislation.

What we are now dealing with, if we can separate things out, is something we should be clear about. There will be tactical battles between ourselves and yourselves as we try to deal with this legislation and any legislation, but I think to play the people off as pawns in this is crazy. In other words, to trade off hearings and access by the public for the length of time we will spend on clause by clause is a dangerous thing to get involved in as legislators. They will not understand that at all.

4 p.m.

We have said, "Come and talk to us, come and tell us what you think about this bill, and apply by a certain date." Many people did that, but even in so doing, a lot of them have not been able to be heard. Our first job is to recognize their requests, to respond to their desire to be before us and not to use them in our tactical fights as we deal with our legislative argument.

Mr. Mitchell: Like you recognized the--

Mr. R. F. Johnston: I think other members of the caucus have already said--I hope they have--that we regret that having taken place. We regret there is a lack of communication. I hope that has been said already.

Mr. Wrye: Thank you for being big enough to say it.

Mr. R. F. Johnston: All I am trying to say is that we have a motion before us to allow these people to be heard. This is a fundamental principle we should make sure is happening. Then you can take us on any way you want to, as the opposition party involved in this, in terms of tactical fights later on. These people, on their own volition, have come before you.

When we thought about this initially, we thought 40 or 50 groups would come. We had no idea, we were surprised, as surprised as the Treasurer, as surprised as the chairman, I am sure. Those people need to be recognized and not played off in our battles here in terms of who gets the advantage in tactical terms.

Mr. Chairman: I have three more people, Philip, Mackenzie and Cooke, who have each already spoken. I think, in fairness, I will serve warning that I will hear each of these three and then that is the end of it; everybody will have spoken. Mr. Mackenzie, it will be the fourth time you have spoken. I think, by the standing orders, it will then have become repetition and I will put the question.

Mr. Philip: In order to expedite matters, I will pass.

Mr. Mackenzie: I want to respond. I do not know whether he was deliberately provoking it or if it is just Mr. Brandt's usual way, but I want to make it clear that if the members of this committee, including the government members, want any kind of a reasonable approach at all in terms of the clause by clause or third reading of this bill, then we are not going to be blackmailed into some kind of a time frame until we have heard the people who have a right to be heard. That is the point we are making.

You should allow time for the remaining briefs that have met the obligations and time frame set out in the ads. I will be damned if I am going to trade one off for something else that is as basic as that. I would remind Mr. Brandt, if he thinks it is straight--what was the word you used--filibuster?

Mr. Brandt: Read Hansard and it will tell you what I said. I do not recall. One of the things I said was that it was a blatant misuse of the democratic process.

Mr. Mackenzie: It is interesting that you think it is a blatant misuse of the democratic process. I would suggest to you that there are one heck of a lot of people around this world who, on many occasions, have wished somebody in their Legislature or somebody in their union had stood up when basic and fundamental rights were being destroyed and taken away from them.

This bill has ramifications as far as I am concerned, and I am glad my caucus sees it the same way as I do, that are so fundamental that we have not seen legislation like it, covering the number of people, with the implications or the authority we have given to the overall board, since I have been in this House in seven years, and I suspect for a long, long time before that. It is not the kind of legislation I would expect to see from a country that prides itself on being a democratic country.

When there is legislation of this type, and with the implications that are involved in this particular bill, then it is an obligation, if somebody feels strongly about it, to do everything he can to fight it. It is not very becoming of those who would say you are just filibustering or wasting time, or a blatant misuse, or whatever the blazes you call it, of the democratic procedures.

I don't think there is one of my colleagues who doesn't feel as strongly about it as I do. I made it clear in my caucus, on the very first day when this bill was raised, that it was the most

serious and fundamental issue we have seen since I have been elected to this Legislature. By all means, we have to give people a chance and a time to understand what has been going on.

That process is just really perking. The size of the meetings is a clear indication of the interest. It certainly was in Hamilton. They are just beginning to realize what is happening to them. I spoke to a private sector union over the weekend, a fair-sized convention. We spent about 20 minutes in a presentation. I received the longest question period I have every had at such a meeting--over an hour on this particular bill.

Even though I have an awful lot of pride in the trade union movement, I was a little bit surprised to find that the vast majority didn't yet realize what the bill was all about. Two or three of the leaders did. That was all. But we had a humdinger of a session by the time that session was over. The anger was there and it was very direct.

There will be a subsequent brief in from them very shortly, and they represent a good many thousand workers in Ontario. They have also decided to do a total mailing on the results and what this bill means to their entire membership on a personal household basis.

When something is as fundamentally wrong as this bill, then there is nothing wrong with the opposition trying to make that point--

Mr. Laughren: No matter how long it takes.

Mr. Mackenzie: --and get it through to the public before it is too late. Once you've passed this bill, Mr. Brandt, you have taken away some very fundamental rights from one hell of a lot of people in Ontario.

I see that threat and danger as one that we should do everything in our power to stop. One way it might be stopped would be if the message got through to your party from a massive outpouring of concern by the public generally. You are not going to do it overnight. The people who are immediately and directly concerned are the 15 per cent, the 500,000 public servants who get hit by the legislation.

It is incumbent upon us, if we believe in the democratic procedures, to make sure the other 85 per cent clearly understands what's happening and not just the "thumb in the wind" poll type of operation that says, "Hey, our economy is in trouble. We need to do something, so the answer is to slam the 15 per cent in the public sector."

I want to make it clear that I will take your facetious or otherwise remarks--

Mr. Brandt: They weren't facetious.

Mr. Mackenzie: --as often as you want to make them in terms of filibustering or anything else. To me it is a fundamental issue that has got to be fought. I want that clearly on record.



Mr. Cooke: Mr. Chairman, I'll be brier. Just so the committee understands what this motion means and what we are requesting, this bill happens to be, according to the government, its main response to the economic crisis in this province. We are asking for four more days of committee hearings--Wednesday, Thursday, Monday and Tuesday. We believe all the groups can be heard in that period.

Now you or any government member tell me whether the sun will stop rising in Ontario if we hold up this bill for four more days so we can hear these particular groups. That's what the bottom line is. If this bill is a serious response on the part of your government to respond to the economic crisis, which we all agree is a crisis in this province, tell me why we can't have four more days of hearings to hear the other 40 groups that want to appear before this committee?

Mr. Chairman: Thank you. That is the end of the discussion.

All those in favour of Mr. Mackenzie's motion--

Mr. Cooke: I would request that under the rules we take a 20-minute delay before the vote is taken.

Mr. Chairman: For what reason?

Mr. Mackenzie: It is important that the members realize what they are voting on.

Mr. Cooke: For the reason that it is provided for in the rules.

Mr. Chairman: To gather the members?

Mr. Piché: For the reason of more delays. It is delay tactics.

Mr. Cooke: Mr. Chairman, under standing order 89(c) we are able to request a 20-minute delay and we are asking for that delay.

Mr. Chairman: What number was that again please?

Mr. Cooke: It is 89(c) which says: "When a division takes place in a standing or select committee, it shall be recorded by the clerk if requested by any member, but where a division is ordered and the members are called in for that purpose there shall be a maximum wait of 20 minutes before the vote is recorded."

We can call a 20-minute delay and we are calling that.

Mr. Piché: Would that apply if all the members are here?

Mr. Cooke: It doesn't matter. We are able to call for the delay.

4:10 p.m.

Mr. Chairman: Excuse my ignorance on this subject. It has been my understanding to this point that that section was there for the calling of members when a division is called.

Mr. Cooke: It is also there for the purpose of caucusing on any motion and we can request the 20-minute delay.

Mr. Chairman: Do you have any authority in addition to the standing orders to quote?

Mr. Cooke: No. I have the standing order if you want.

Mr. Chairman: Oh, no, I have read the standing order. It does not seem to be very conclusive on the matter. No, I am not going to permit it. There are two parts to that section.

Mr. Laughren: Have you conferred with the clerk's office, Mr. Chairman?

Mr. Chairman: There are two parts to clause 89(c). The first part is not relevant. I will read it: "When a division takes place in a standing or select committee, it shall be recorded by the clerk if requested by any member...." That is not the point. "But where a division is ordered"--and I am presumably the one who orders it--"and members are called in for that purpose" i.e. a division, "there shall be a maximum wait of 20 minutes."

If you are all here, and according to the substitution slips you are, then it is my ruling that that subsection is meant for calling in members. There can be no division call at this point for any length of time.

Mr. Cooke: I challenge the ruling.

Mr. Chairman: Fine. I have ruled that motion is out of order. All those who support the ruling of the chair please raise your hands? Nine. All those opposed to the ruling of the chair please raise your hands? Two.

The challenge to the chair fails. The chair's ruling is upheld. Therefore, we shall proceed with the vote immediately.

All those in favour of Mr. Mackenzie's motion please reply to the clerk. Opposed? The numbers are five in favour and six opposed.

Motion negatived.

Mr. Cooke: Mr. Chairman, may I move on to the second motion?

Mr. Chairman: Mr. Cooke moves that this committee recess until 3:30 p.m., November 4, 1982, in order to allow the committee members time to read the 40 public submissions which have not been presented to this committee.



Mr. Cooke: Mr. Chairman, if I may speak to my motion, the purpose of the motion is rather obvious since the committee has scuttled any idea of listening to those individuals. Since we have not received many of these briefs at this point, I think it is incumbent upon all members of the committee that those briefs be tabled with the members and, before we enter clause by clause, that they be read and absorbed by all committee members. In our opinion, a reasonable period of time is that this committee should adjourn until 3:30 p.m., November 4.

Mr. Mitchell: Recognizing the very point raised by the member--and I am sure other members have done the same-- I have asked some two days ago to be provided with all of the briefs. I recognize that everybody's time is well occupied, but I feel I will be able to read those briefs and hopefully take from them any information that might help me in the clause by clause.

Mr. Wrye: I find myself persuaded by Mr. Cooke's motion. I do not have the additional 40 briefs and until a minute ago we did not know whether we would be able to hear submissions from those who were not able to come before this committee to give all submissions. I do not see it as unreasonable to give us a day and a half to read the additional submissions to see whether there are new areas where we might propose amendments and changes in this legislation. I would say our party will support this motion.

Mr. Mackenzie: Surely with the Tory rejection of hearing the additional briefs, the necessity of this particular motion is now obvious. I do not find the argument of Mr. Mitchell compelling. I do not know whether he has had all of the briefs given to him prior to this point, but the only other one I have, which I believe has gone to the committee, is the one from the steelworkers, district office, my own particular union.

There are a variety of briefs from a variety of organizations that have been submitted to this committee in good faith, submitted with the understanding that if they were in by October 22 they would get a chance to make that presentation.

Some of you may be an awful lot smarter than I am. You may be able to read and absorb those briefs a little quicker, but I do not think asking for a day and a half--and we do not have that much time because we have House business and there are other committees--is asking too much at all in terms of being able to do a quick run through the briefs with our research people to see what the highlights of those briefs are and to see if there are any fundamental issues raised that do have a direct bearing on this bill. I suspect a lot of them do.

I want to suggest to the members of this committee, and to the Tory members in particular, that they are playing games with the procedures and with people if they not only will not hear the additional briefs that have been submitted, but will not even allow the committee time to take a look at those briefs before we go on with the clause by clause on this particular bill.

I suggest to you in all seriousness that it is too late once we have started on clause by clause to back up or to deal with something that may be in some of those submissions. Surely if we will not hear them, we have an obligation at least to allow time for members of this committee.

I suspect everybody in this committee, like my own colleagues, have been exceedingly busy over the last few days and few weeks. Surely it makes sense to ask us to take a look at those remaining briefs which were submitted to us in good faith before we proceed with clause by clause. I do not think the suggestion is in any way, shape or form an imposition or a filibustering. I think it is an obligation, if they are serious, or the members of this committee to know what the other groups were saying. If you would not support the right for them to be heard in person, I would hope you would at least allow a bit of time for members of this committee to read through the submitted briefs.

Mr. Laughren: I find it really difficult to understand why the committee would even want to do the clause by clause without time to examine the briefs. I don't know why you would want to do that. The only reason I could think of that you might want to do it is if you did not want to read what was in the briefs. Surely that is not our function as legislators.

Mr. Piché: Mr. Chairman, we have not voted yet. I don't know why he is bringing that up.

Mr. Chairman: Mr. Piché, let Mr. Laughren continue.

Mr. Laughren: I am capable of making heroic assumptions from time to time and this is one of those occasions. I think that for committee members not to want to have time to peruse the briefs is to say to those people who presented their briefs, "You should not have bothered." That is what you are saying to them.

As my colleague the member for Hamilton East (Mr. Mackenzie) says, it is a fundamental erosion of these peoples' rights. You are saying to them, "You should not have bothered putting together that brief because not only will we not hear you, we are not even going to allow time to study them and see what is in them."

I think that is a very serious error in judgement on the part of people who don't want to allow that extra time for committee members. I am encouraged by the comments of the member for Cochrane North (Mr. Piché), unless he is playing some kind of game with a very fundamental principle here, that he too wants time to study these briefs before he gets into clause by clause. So I look forward with great anticipation to the member for Cochrane North putting his money where his mouth is, so to speak, and supporting my colleague's motion to adjourn.

4:20 p.m.

Mr. Swart: I mentioned before in the few comments I made that the bitterness that exists out there among these 40 groups that are not going to have the opportunity now--it is obvious they

are not going to have the opportunity--to be heard. I think it is fair to say that bitterness will just be further enhanced when they know, if they know, that many of the members of this committee had not even seen their briefs or read them before they started their clause-by-clause discussion.

If we go ahead this afternoon, even if you give all of these briefs out and you start the clause-by-clause discussion in half an hour or an hour, it is too late then to read them before you are making decisions. You are, in effect, saying to those people: "The time you have spent on these briefs and the contents of these briefs is of no concern to us. We reject it." Surely this can't be done, and I would implore the Conservative members here to support this reasonable motion which is before us now.

I was astounded actually to hear that the briefs had not been automatically distributed. Why were these not automatically distributed to all members? They have not been. The members have not seen them. I am going to be sitting on this committee some of the time. I have not had an opportunity to look at those. I will be filling in, I expect, for some of my colleagues. It is just preposterous that you proceed to a clause-by-clause discussion after receiving 40 briefs which have never been read by members of this committee. Therefore I would hope that the Conservative members here will support this motion.

Mr. Laughren: The member for Cochrane North has already indicated he will support it.

Mr. Chairman: I might say the Treasurer (Mr. F. S. Miller) asked me and I was counting through the motions and there are 10 motions, just so the entire committee knows.

Mr. Brandt: I listened with great interest to the comments made by the third party. Were they coming, quite frankly, from the Liberal Party, I would place somewhat more substance in what had been said, because in a repeated sense, throughout the hearings that have been held to this point, the question has been raised by the New Democratic Party as to whether or not any of those who are in opposition to the bill would even consider any amendments. Time and again, the position of your party was made quite clear, that your only position was to throw the entire bill out.

I find it, therefore, somewhat surprising that you would want to read the 40 presentations and briefs that have been submitted to us with very keen interest in going into clause by clause so you can amend, and therefore by extension, it is to be hoped, strengthen Bill 179.

We are quite prepared to read the briefs. We are quite prepared to sit, as we indicated when we had some dialogue over the previous motion, but you are prepared to concede absolutely nothing on any front. Therefore, knowing your position full well before we go into clause by clause, I can see no reason whatever to concede on this issue either. I think we should proceed and get on with the clause-by-clause reading.



Mr. Philip: I find Mr. Brandt's comments surprising in the light of his earlier comments. If he had listened to our speeches in the House, as he said he did, he would have realized that in the House we outlined in very great detail our specific proposals that would deal particularly with the problem of inflation and particularly with the price side of this bill.

This bill clearly is extremely weak on that, and we indicated at that time that we would be moving some very substantial amendments that would deal with the problems of inflation to the consumer, be they the tenant or be they the senior citizen who is faced with rising gasoline and home oil prices, or the Consumers' Gas prices or Hydro prices. We indicated in very great detail exactly what an anti-inflation bill should do. Our purpose was to outline in very specific terms what our policies were and what we thought that this government and the Treasurer should do.

It should, therefore, come as no surprise to him that my two colleagues who have voting rights on the committee will be moving some fairly substantial amendments on the price side of this bill. Indeed, we outlined those this morning. We will not be moving amendments on the other side of the bill because we think it is so bad there is nothing redeemable about it, and that should come as no surprise to the Liberal-Conservative coalition on this.

Mr. Chairman, another point I would like to make, and I will do it by way of a question, is I wonder if, through you, the clerk might be able to inform us of exactly how many briefs he does have in his possession that have not been distributed and how many have been reproduced? Are they available now to members of the committee?

Mr. Chairman: No, they are not. At this moment the clerk has run into certain mechanical troubles with the Ministry of Government Services, which is reproducing and punching them, etc., so they will be ready later this afternoon or this evening.

Mr. Philip: I find it hard then to understand--

Mr. Chairman: Excuse me, let me finish. It is at this point almost impossible to tell the numbers of briefs and letters. You would have to define the word "brief." We have many letters that have come in, most of which have not requested hearings. This is very loose. You are using the figure of 40, let it go at that; it is a very loose figure.

Mr. Philip: What I would define then as a brief, or what I am referring to, is what would be called an exhibit and would, in fact, have a number attached to it.

If I understand the clerk correctly, there is a great number that have not been produced, yet Mr. Mitchell's argument was that any member of the committee could have obtained them all and that he had done so.

Mr. Mitchell: On a point of order, Mr. Chairman: What I said, Mr. Philip, was that I had asked for the briefs over a week ago and was fully intending to read each and every one of those briefs. That's what I said.

Mr. Philip: It is my understanding then that no member of the committee has received those briefs or has read any of those briefs. Is that correct? Therefore, whether or not Mr. Mitchell asked for them a week and a half ago, the fact that he has not received them and the fact that no member has received them means that that information or those views are not known to any member on this committee.

Mr. Mitchell: I found that there would be time, at least I hoped I could make the time, to read them.

Mr. Chairman: By way of further words of explanation, letters that could not be called a submission are coming in daily. I brought one to the clerk today that I received. It is addressed to me and came to my house, not even addressed to me as chairman. Those are continuing daily, the same as I am getting Bill 11 letters daily. So this will continue on and on.

May I point out that there will never be a time within the next number of weeks that there isn't some correspondence coming in on Bill 11 and Bill 179.

Mr. Philip: I can accept that--

Mr. Swart: On a point of order, Mr. Chairman: The position taken by chairmen of other committees on which I have sat, such as on the Planning Act, was we were given all of the briefs of all of those who wanted to meet and who sent in briefs by the deadline. As further submissions came in, they were reproduced and handed out to us immediately and we were still getting them up right to the end of the act.

What we have here is a situation where there are 40 whom we know wanted to meet the committee and present briefs. That is a substantially different circumstance to having heard all the briefs of those who wanted to submit them. We know that they wanted to submit them to us. They wanted us to have the information that was in those briefs.

Mr. Chairman: Excuse me. Technically, that is not a point of order.

Mr. Philip: You are right, Mr. Chairman. The point of order was actually the next part of what I was going to say. Since Mr. Swart has said it so eloquently, then I will let him make those comments.

Mr. Wrye: Mr. Chairman, just briefly, two points. One, I would say again to my friend the member for Sarnia (Mr. Brandt) and to the Conservative members of the committee, particularly the member for Carleton (Mr. Mitchell), given his great interest in



this matter in obtaining the other briefs and in reading them, since he indicated he did ask for them two days or a week ago, I would think that since he has that great interest he would agree with us that it would be inappropriate to start clause by clause until such time as he is able to read those briefs.

I would remind him that very early in the clause by clause we will come to the powers of the Inflation Restraint Board, and since I know both my friend from Sarnia and my friend from Carleton have been here for all these hearings they will remember, as I do, that very many of the briefs we have heard have already attacked the powers of the IRB.

It may well be that some of the 40 briefs we haven't had a chance to look at might suggest some specific changes to us. I would think they might want to have a look at that, so I would hope, notwithstanding the comments of my friend from Sarnia that since it comes from the New Democratic Party that he will oppose it, that he will take it as a given that this party also supports this proposal as being reasonable in the circumstances.

If I might make one other brief point to my friend the member for Etobicoke (Mr. Philip), I really wish he would stop referring to the Conservative-Liberal coalition because I think the present government has ruined the province just about as badly as you fellows would do if you ever got in.

Mr. Brandt: In an attempt to be helpful in this whole exercise, I wonder if you or the clerk might be able to respond to a couple of questions. One is in regard to the 40 briefs. Were there, in fact, 40 briefs? Were they all in prior to the deadline? Are there letters? How many of the 40 have specifically requested hearings before this committee?

Mr. Laughren: Will that affect your decision ?

Mr. Brandt: I will let you know in a minute. I will be back to you just in a second.

Interjection.

Mr. Brandt: I am attempting to be helpful here.

Mr. Chairman: We have approximately 35 to 40 requests to come before our committee; not all of those have briefs. Then we have numerous what you would call briefs from some who have not asked to appear before our committee. We have other communications that you would call more letters--that you would neither call briefs nor requests.

That is why these numbers are very indefinite. The clerk wouldn't know. Some dozens of letters would not be called briefs. Maybe there are 35 requests, not all of which have briefs, to come before us. Is that close enough?

Mr. Brandt: That is somewhat helpful, yes. Were they all in by the deadline, Mr. Chairman?

Mr. Chairman: No, they were not.

Mr. Brandt: Shame.

Mr. Chairman: If you recall I used the term "clean briefs," and clean briefs were those that were in by the deadline, so we had the written briefs in our hands by five o'clock on that date, October 22. There were only 35 of those that would totally be called in order, or clean, or whatever. All the others had some irregularity or abnormality to them.

Interjection.

Mr. Chairman: In Oxford, we use these terms.

Mr. Stevenson: Mr. Chairman, that was 35 total, not 35 of the remaining.

Mr. Chairman: That is correct, 35 total. If you will recall at that point, there were 35 clean and 55 unclean.

Interjections.

Mr. Brandt: A final question, Mr. Chairman, since you have been so helpful in clarifying this. I wonder if we might be able to get some estimate of staff time that would be involved in preparing for the use of the members of the committee a synopsis of what is contained in those 35 briefs.

Interjections.

Mr. Brandt: That is a Nixonian phrase that I will leave in the hands of your party.

Interjections.

Mr. Philip: Any one of us can read a brief a lot faster than somebody can summarize it. That is an irrelevant kind of question.

Interjections.

Mr. Cooke: We can adjourn until they are finished.

Mr. Chairman: I can partially answer that by the fact that there was a grid started, and I saw it in the middle of the public hearings, which dealt with the various sections and the various groups and what positions they took. There was a grid that was started part-way.

I do not think any estimate can be given. If you can recognize this, I am holding up a grid with check marks with the various groups along the top. At that point, there were 40 or 45 groups that appeared before us and there were perhaps 15 various items and they are check-marked. There was an attempt made at that point that went for about the first 40 presentations. As to an

estimate, I don't think it is possible to give it. It took many hours to complete that by researchers, legislative counsel, clerks or whomever.

Mr. Brandt: Thank you, Mr. Chairman.

Mr. Chairman: There being no further discussion--

Mr. Cooke: Mr. Chairman, if you are going to call a vote, I will at this point call for a 20-minute delay under rule 89(c).

Mr. Chairman: Thank you. All the members not being present, we will give 20 minutes to a division.

The committee recessed at 4:38 p.m.

J1655-1 follows.

4:58 p.m.

Mr. Chairman: The committee divided on Mr. Cooke's motion which was negatived on the following vote:

Ayes

Cooke, Mackenzie, Riddell, Wrye, Spensieri,

Nays

Brandt, Eves, Mitchell, Piché, Stevenson, Watson.

Ayes 6; nays 5.

Mr. Chairman: Mr. Mackenzie moves that this committee request the Minister of Labour (Mr. Ramsay) to appear before the committee to discuss in detail those aspects of Bill 179 affecting his responsibility.

I would point out to the committee that the clerk is having copies of these made for all the committee members.

Mr. Mackenzie: I am genuinely sorry the Tories would not look at one of the two previous motions. I figured from the previous votes on the extension that they were not likely to go for it. I thought they might have seen the merit in giving us time, because most of us still do not have them, to look at the other briefs. Surely there cannot be the same kind of an argument, or we cannot be labelled for one second, in any way, obstructionists if the Conservatives are not willing to give serious consideration to this motion now.

I have to tell you that collective bargaining certainly is very much at stake in the public sector, but that there is a growing awareness of the effect of this particular bill on private sector bargaining. When the 35 top business men met with the Premier (Mr. Davis) just three or four weeks ago--I believe one of

their spokesmen was the vice-president of Ford--they made the argument that they did not want controls in the private sector and hoped the Premier would not move unilaterally on that.

In any event, I do not think he was intending to. His bill certainly gave him the ability to piggyback in terms of any federal move. They made very clear to the Premier--from our information and I think it is accurate--they did not want controls in the private sector. The argument was made "that we think we can do an even better job than the control legislation."

There was some fear that the nine and five might become the targets, that they might have to go for them and that they could now negotiate, because of the climate of the fear that is abroad in the province, contracts with those workers whose contracts were coming up for renewal that would be considerably less than that figure.

There was even an argument made--I think it is a bit of a specious argument and we have heard variations of it--that the Ford agreement was only four point some per cent. I checked with the union, and the only way to get it down to that figure would be with an almost zero inflation rate. It is probably in the seven per cent or slightly better range.

However, the significant point is that they did not want controls in the private sector, that they thought they could do a better job without controls and that the controls might become a high point they think they can undercut. What they also made very clear to the Premier was that they wanted him to hang tough in terms of the public sector controls. I think this is insidious. I think this clearly indicates that the scapegoat, not only for this government, but for private sector industrial leaders also, is the public sector. They think they can do the job of limitation, of rollback, of denial of basic rights on the public sector workers. It sets the stage for what they can do in terms of the private sector.

I find this exceedingly reprehensible. I cannot understand that kind of thinking and that kind of double standard: "Don't do it to us, but make sure you continue doing it to them."

It seems to me that the influence, not only in terms of negotiating or attempting to negotiate contracts in the public sector, but the influence and the anger and hostility and problems this it is going to generate in the private sector are going to be profound in Ontario. There is no question in my mind of that whatsoever. I hear of the meetings and variety of suggestions that are being made, all of which are going to have, as a minimum, the effect of poisoning labour relations for a long period of time to come in Ontario and some of which may have more nasty implications than that.

Inasmuch as the Ministry of Labour is going to have to deal with labour relations in Ontario, it is going to have to deal with people who are going to be raising that very fundamental preamble unless, once again, it is just a joke in Ontario. What I



am talking about is the basis for the Labour Relations Act, which says: "Whereas it is in the public interest of the province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees...."

I do not know how the Ministry of Labour is going to deal with that preamble, unless it means nothing, and deal with the poisoned atmosphere we are going to have in Ontario because of this bill. For those reasons, it seems to me obvious that the Minister of Labour (Mr. Ramsay) should, if he has not, have some input into this bill. It is my understanding he hasn't. It is very curious what happens when you phone the Ministry of Labour and ask questions. Some of the private sector unions have been doing this. I do not know whether any of you have tried it. The answer up until very recently that we were getting from the Ministry of Labour office was, "Call Treasury, it is their bill."

This is the Ministry of Labour in Ontario. Some of you should try it; they may do a quick change on it, but that is what has actually been happening when you call the Ministry of Labour, "Call Treasury, it is their bill."

Mr. Brandt: It is their bill.

Mr. Mackenzie: Then I think you people had better stop and do a little bit of thinking. The people who are going to have to deal with the labour relations scene in Ontario, hopefully, are those in the Ministry of Labour, if we do what we say we are going to do to the potential for free collective bargaining, for arbitration procedures, for the right to strike, for the whole question of nonmonetary items, which are so much in dispute in this bill.

If we are going to deal with those matters with a Treasury bill without input from the Ministry of Labour, where in blazes are they going to be when they are trying to put out the fires or to deal with people who say: "What did that preamble mean? What does this whole Labour Relations Act mean? Where are we going? What rights do we have as a labour movement?"

I do not think that is outlandish or anything else; I think it is fundamental to what this province is all about. I think then the charge is not who might be a dangerous labour leader in Ontario, the question is what kind of danger is created by this government itself to the free and democratic processes in the province?

Surely we should be able to ask the Minister of Labour: What input, given the profound effect it will have on your department, did you have into this bill? Any at all? How are you going to deal with the fundamental questions that are going to arise as a result of this bill? Would you give us some idea? Have you done the kind of a survey of the actual effects--the percentage of the employees--whether our figures are right in terms of how it is going to affect female workers and the efforts to achieve a better break for female workers?



How are you going to deal with the fundamental right to strike? How are you going to deal with the end period, or is Mr. Peterson's suggestion one that the government endorses, that we have to set something in process to make sure that there cannot be a negation of the adverse effects of this bill--I call them adverse; you may not--by some kind of efforts at catch-up in free collective bargaining if, indeed, we get back to that in a meaningful way in Ontario following this particular piece of legislation?

There is no ministry and no minister who is going to have more to answer for and be under more fire and be put on the hot seat more than the Minister of Labour. Treasury will not carry the load six months or a year or two years down the way; it is going to be the Ministry of Labour with regard to what you have done to the rights of organized working people.

Given that, given the fact that you get a blanket answer from the Ministry of Labour, "Refer to Treasury, it is their bill," it certainly also seems to indicate--

Mr. Jones: At this point when the bill is going through, it is the Treasurer's.

Mr. Mackenzie: There is a fundamental question there because they are going to have to answer all of these questions. What kind of input and what kind of plans are they making so that we do not have a real nasty situation on our hands in a catch-up period?

What kind of an assessment have they done as to how much the differentials, in hospital workers, for example, are going to be increased because of the time periods in this bill? How much have they done to take a serious look at what this bill does to the fight of women's groups across this province for a long time now to get some positive affirmative action, to get some catch-up, if you like, to get some equality in terms of equal pay for work of equal value?

Any moves we have made in this area, and there have been small efforts, I will concede, have been minute in terms of the results, but what you have had, all of a sudden, over the last year or two in Ontario, is an awareness and a buildup that we have never seen before in terms of women's organizations, women's groups and their basic understanding of what they are up against, their basic understanding of how they have a \$6,000-a-day gap between their wages and men's wages and the fact that they do not get promotions in an equal amount. All of these things are going to be exacerbated by this particular bill.

Mr. Jones: You always make the insinuation that the bill was intended to delay the women's progress. That is not the intention of the bill.

5:10 p.m.

Mr. Mackenzie: Mr. Jones, let me tell you now, and then I will ask you a fundamental question. The majority of the lower paid public servant workers--as has been claimed in brief after brief before this committee and I believe it to be true--are women workers. They are at the low end and are therefore the ones most directly controlled.

Therefore the various groups' research--and we did not take our research from theirs, wherever they did it--combined with ours, which said it is probably going to increase the differential by another \$317 or something like that. If all of that is the case, then you cannot deny the result of the bill--whether that was the intent or not is the point I am trying to make with you--is going to do just those kind of things.

Those are the kinds of things which are going to be fundamental issues with the Ministry of Labour. How is the minister prepared to deal with the reaction he is going to have one or two years down the road from the women's groups who have seen their rights further eroded and have seen it that much more difficult to succeed, even in current affirmative action programs?

There are so many fundamental questions here that are going to skewer the Minister of Labour in the future. It is absolutely essential we know what, if any, input he has had into this bill and what kind of an assessment he has done of the proposed results of the bill, and, even more than that, what he is prepared to do to meet the challenge. There is definitely going to be a challenge at the end of the period of the control legislation.

It is essential--I plead with you--that we know what the Minister of Labour is going to do and how he is going to respond on these issues and what kind of input he has had. It is not good enough for the Minister of Labour to get up in the House or say at public meetings that he is fundamentally opposed to it.

Maybe you are going to change the Minister of Labour before the end of the two-year period comes, maybe you are not, but he is going to have to carry the can for a situation that is one I do not want to contemplate in terms of labour relations in the future in Ontario. Surely that is fundamental.

Before we start clause by clause we should have a clear dialogue for two or three hours with the Minister of Labour as to what the effects of this bill are going to be. Maybe he thinks there is going to be no effect in the future on his ministry. I would be surprised if that is the case. I would be very surprised, even given his comments that he is fundamentally in disagreement with this legislation.

I think with the Minister of Labour's statement--his own statement, not mine--that ~~he~~ does not support the principle of the bill, and with the kind of responses people were getting from the Ministry of Labour, there is a clear recognition that there are real problems down the road.

Surely, part of our responsibility as members of this committee is to know what we are buying, not the proverbial pig in the poke, not what has been set up. If we are wrong--we have said, and I think accurately, that you are responding to a public perception out there--we are the only ones who can get hurt if we are on the underdog side as much as you people think. But let me tell you, if all hell breaks loose a couple of years down the road because of this, that could change drastically.

I would much rather take all the flak I will take in this committee and all the flak I will take from any Liberal or Conservative member now, as strong as it may be, but do it on the basis that I am trying to get some of the answers to the kind of questions we are going to be faced with down the road. Surely it is not asking too much and surely, after having turned down two basic motions, this one makes some sense.

The government members should be able to see themselves clear to supporting a motion that we ask the Minister of Labour to appear. Who else? Not the Chairman of Management Board (Mr. McCague), although it is important that we have his interpretation of what happens to crown employees. Not Sally Barnes, on the women's issue; in itself, yes, but it is one of the many components the Minister of Labour is going to face. Not just Mr. Biddell, who I think is also essential in view of the power he is going to have, in view of some of the statements, right or wrong, that have been accredited to him. If anyone is fundamental to this committee, it is the Minister of Labour.

I would ask you, Mr. Chairman, I would ask the Conservative members as strongly as I can, to take it as a serious request. My God, you ruled it out of order while we were in the hearings. I think there was at least the implication then that maybe the timing was wrong. We should not be trying to actually pass the sections of this bill until we have had the Minister of Labour before this committee. I would urge you as strongly as I can, to accept this particular motion of ours.

Mr. Brandt: I have some difficulty with the direction of some of the motions proposed by the New Democratic Party, and in particular, the suggestion that there is an attempt on the part of the government to railroad Bill 179 through.

I just call the member's attention to the fact--and I would like the record to so show--that in the House the New Democratic Party had 1,780 minutes, the sum total of 29 hours and 40 minutes, to debate this bill. The Liberal Party took 13 hours and five minutes and the Progressive Conservative Party took three hours and 55 minutes by actual count.

I would think that in the period of some 30 hours--if I may round the number--your party had an ample opportunity to make your position known on Bill 179. There was no attempt on the part of the government to in any way close off debate or to reduce the amount of input you had with respect to the bill.

The motion before us now deals specifically with the Minister of Labour. Again, I see no reason why the minister could



not be invited to come here on a voluntary basis, but the intent of the motion, I suppose, is to order him to appear before this committee. I find that somewhat offensive.

The members of the third party have, from Monday through Friday, ample opportunity to present any question they wish to the minister on a regular basis. I see no reason why you can't use the mechanism that is available to you at this time to question the minister on any of the points raised by Mr. Mackenzie that he appears to be so vitally concerned about at this point.

If he is concerned about labour relations in the province, and what the future of those labour relations might be as a result of the impact of Bill 179, then the opportunity for him to raise those questions in the House is available and should not, in fact--

Mr. Philip: On a point of order, the motion clearly does not say "order." The normal procedure of the committee is that when they wish someone to appear they request that person to appear. If that person refuses for some reason, then there may be a motion to order them to appear. There is no indication in the motion that the minister is being ordered to appear.

Mr. Chairman: Thank you. Point of order well taken. It is a request. Carry on, Mr. Brandt.

Mr. Brandt: Thank you for that clarification. I still stand by the comments I have made. I believe this is another attempt on the part of your party to continue to delay. You have had ample opportunity to make your expressions well known and close to 1,800 minutes of debate in the House.

Mr. Laughren: That is a democracy.

Mr. Brandt: Okay, you might consider it that, but I heard some of the debate and I would say it was something less than productive at times, Mr. Laughren.

Mr. Wrye: For our part we will support this motion. I would ask the member for Sarnia to look back on the Hansard which I happen to have with me for the afternoon of October 19. A similar motion was before this committee and had been ruled out of order, but in the debate that followed, the Treasurer, in trying to smooth over the waters, said:

"The fact is the Minister of Consumer and Commercial Relations, Dr. Elgie, has very important responsibilities. There will be times when my parliamentary assistant will be here, particularly if cabinet needs me for budgetary matters, and there will be times when I would suspect, with your concurrence, another minister, such as the Minister of Labour, could represent the crown. I sense you will solve that problem without having a fight about it. We are quite happy to work with you on it."

~~I~~ would remind the member for Sarnia--unless I am mistaken--that thus far we have not seen hide nor hair of the Minister of Consumer and Commercial Relations nor have we seen the Minister of Labour. I think it is stretching credulity somewhat

for the member to suggest we should stand up and ask the Minister of Labour questions and somehow get the kind of full and complete discussion of some very important issues we might wish to have.

5:20 p.m.

I would point out--so I can be fairly brief on this--the effect of this bill on women. If the member for Sarnia has checked the amendments we are proposing and intend to propose before this committee, one of them would very clearly add a much more significant option of notching than that now proposed in the bill.

I, for one, would like to explore with the Minister of Labour the impact of the two proposals for notching--the one now in the bill, the one we propose--and what the impact would be, particularly on women employees and, in the broadest sense or the word, to explore with the minister some of the difficulties we may encounter during the control year and in the post-control period in labour relations in the province.

I say with the greatest respect to my friend, that we cannot do that during the committee hearings or during question period when, by its very nature, the questions are supposed to be of an emergency nature. There is very little of the kind of give and take that we would have in a two- or three-hour opportunity to have intensive questioning of this minister.

By supporting this resolution, I don't want to associate myself with some of the comments my friend from Hamilton East has made. Some of his comments border on very irresponsible scare tactics suggesting to us that the Orwellian 1984 is now upon us and will stay with us some time into the indefinite future.

My reading of the bill indicates a control year and then it ends. It seems to me my friend from Hamilton East is trying to raise the spectre which I have not--

Mr. Philip: Brought to you by the same coalition that brought you--

Mr. Wrye: If my friend from Etobicoke wishes to speak he can raise his hand.

Mr. Chairman: Mr. Philip, please let him have the floor.

Mr. Wrye: I did not interrupt the member for Hamilton East and I wish the member for Etobicoke and some of his friends would quit interrupting me. Albeit for different reasons, I would ask the Conservative members to consider bringing in the Minister of Labour in particular, as well as the Minister of Consumer and Commercial Relations. It seems to me they are two very key players in this legislation, though I would recognize--and I think the parliamentary assistant has made the point--the legislation is in the name of the Treasurer. I think he would agree with me that very clearly the legislation encompasses a large area of power for Dr. Elgie and clearly--

Mr. Jones: This is a point of clarification which could



likely save the member some comment. The Treasurer did say it is the intention that Dr. Elgie will be here for that--

Mr. Chairman: Even though it is a point of clarification it is not in order.

Mr. Wrye: The next amendment will deal with Dr. Elgie. I think it might be appropriate, before we get to clause by clause, to get some of his broad views. I think it is also appropriate, since part II of the bill refers very specifically to matters which fall under the aegis of the Minister of Labour, that we should have the opportunity to question him. I would hope the committee members would agree that what we are asking for is a little different than what we get out of question period which is, quite frankly, very little.

Mr. Chairman: Thank you. There are five NDP speakers and Mr. Mackenzie is coming around for the second time, could you please--

Mr. Mackenzie: I will be very brief. It is in response to some aggravation that was caused by Mr. Brandt.

Mr. Cooke: I will be brief. If you take a look at this bill, as the members of this committee have, the only reason it is in the Treasurer's name is because this bill is supposed to respond to our economic crisis. In reality, this is as much a piece of labour legislation than anything we have dealt with since I have been elected. To try to deal with it in the way they have is just perpetrating the fraud that this really deals with the economic crisis in Ontario.

Mr. Brandt tries to indicate that we delayed the bill on second reading. If Mr. Brandt was involved at all in the discussions that took place behind the scenes he would realize the only reason we got even the number of hours of hearings we got was because of the delay that took place at second reading. That was what we were talking about. That is why we agreed at one point to finish our second reading debate, in order to get the bill out to committee, after we had finally got a proposal from your House leader in order to have public hearings.

Mr. Brandt: You also agreed on a number of hours for the hearings to be held and then broke that agreement.

Mr. Chairman: Mr. Brandt, you are out of order.

Mr. Cooke: That isn't true at all.

Mr. Chairman: Mr. Cooke, keep going, please.

Mr. Cooke: When we began the hearings on this bill, we discussed the matter of which minister should appear before this committee, and the motions were ruled out of order. The Treasurer did at that point say that various ministers, including the Minister of Labour, would be before this committee.

We've gone through the entire hearings and the only minister

who has been here has been the Treasurer. The Treasurer on most occasions refused to answer any questions, saying he would save that for the end of the presentations and he would make a statement and be open to those kinds of discussions during clause by clause.

We haven't seen Mr. Elgie or Mr. Ramsay, so it's essential that we have these individuals before us before we enter the clause by clause debate on this bill.

Mr. Jones: He didn't say for certain the Minister of Labour would be here. He said if it may be needed--

Mr. Cooke: All right, I agree with Mr. Jones that the Treasurer misled the committee.

Mr. Chairman: No, gentlemen, Mr. Jones and Mr. Cooke, that is not at all in order.

Mr. Cooke: I think the Minister of Labour has an obligation to come before this committee to describe and explain to us why he philosophically disagrees with this legislation on one hand but on the other hand is part of a cabinet in a government that's imposing this legislation on the public servants of this province.

I think he has an obligation to come before this committee and explain why it is necessary to bring in such arbitrary legislation that completely eliminates free collective bargaining for 500,000 people in this province.

I think he has an obligation to come before this committee to explain to us what the implications are for labour relations after this bill becomes law and then when it expires at the end of 1983. We have to have an understanding of how he's going to deal with it because we happen to be the members, people in this province, who are going to have to vote on the back to work legislation that will no doubt be brought in eventually as a result of this legislation.

For example, in the various boards of education teaching groups, the labour relations will no doubt be very strained after this legislation ceases to be in operation. There will be difficult negotiations and there will be many more strikes after 1983 as a result of this legislation. This government has not hesitated on too many occasions in the past to bring in back to work legislation to order teachers back to work. Those are the kinds of implications this bill has.

I know that if Mr. Peterson had his way there would be post-control controls, but that's not part of this bill right now. I think it would also be logical for Miss Stephenson to come before this committee. That's not one of our motions, but perhaps it should be one of our motions that she comes before us, as well as the chairman of the Education Relations Commission, so we fully understand what long-term effects this will have on the teachers and teacher-board relations and Bill 100 in this province.

I think it's a very reasonable request, and I think we have to have this minister, along with the other ministers mentioned in further motions, before this committee to have a full discussion. We cannot have the kind of discussion we're talking about in this party during question period. Question period allows one question and one supplementary. We can't have full discussion, the implications of this legislation discussed in their fullness, in question period. The rules simply do not permit that to occur.

It has happened on other occasions where we've had ministers before the committees for discussion, just as right now on Bill 138, the Minister of Health (Mr. Grossman) has been there and is discussing Bill 138. We now have to have all the ministers concerned with Bill 179 before this committee for a full discussion to find out whether they really understand the implications of what Bill 179 is going to do to labour relations in this province.

I think the Treasurer should appear before this committee, not to contribute on clause by clause sitting up at the head table, but to sit here as a witness to explain to us what effect this bill really is going to have on the economic recovery of the province, what it will do to inflation in this province and what further measures he expects to take.

5:30 p.m.

There may be further motions that we'll be making in this committee in addition to the nine or 10 that we've submitted, but on this one I think the rationale for Mr. Ramsay appearing before this committee is so obvious that even the Tories should support it.

Mr. Mackenzie: I want to respond to Mr. Brandt because he is obviously the one who is carrying the can for the Tories on this issue. Unfortunately, he is not here at the moment.

I want to point out to him, as in a brief comment also made by my colleague from Windsor-Sandwich, that the Minister of Labour never even deigned to speak in the debate in the House on this. No one, as I said in my opening remarks, is going to be more involved.

Not only that, the idea that we can deal with the question through questions in the House is about as ridiculous a suggestion as I've heard. I might point out that we have specifically asked questions in the House on this very bill and the implications on the future of collective bargaining. I did that myself within the last couple of weeks. If you go back to the Hansards I think you will find that what he referred you to was the fact that this committee was now sitting on it.

So that much for Mr. Brandt's comments that that is the avenue we have open to us in dealing with the effect this bill will have on the future, for a lot of years to come, of collective bargaining in Ontario.

What kind of a numbers game is involved in pointing out the number of hours that we spoke in the House as against the number



of hours the Liberals spoke or as against the three or four hours or whatever the final figure was used by Mr. Brandt for the Tories? I submit to you it doesn't have any effect whatsoever on what we're doing now.

Maybe what it does do, and maybe Mr. Brandt should understand it, is that we were serious when we said this was a bad piece of legislation that's going to hurt people unfairly, that it's mean and vindictive, and that we feel we have an obligation. I don't know if that has got through. I think some people think we're playing games.

Let me tell you, if doing what we can to stop this bill is a game, then I suppose we are guilty of that. But if fundamentally disagreeing and feeling that it's the most dangerous thing that has happened in the province is valid--and that's what I do and I hope my caucus does--then it's no game. It's no game, and the figures on the amount of time we have spoken are totally irrelevant. Maybe if that message itself is getting through, it's worth something.

I would also suggest to all of you, seriously, that if we call the Ministry of Labour and get the response, as I said, "Talk to Treasury, it's their bill," or if we ask the minister in the House and he says it's before the committee--and certainly the Minister of Labour was one of those referred to, although the Treasurer didn't say he would be before the committee. I think probably the only thing I'm saying to all of you that you can't disagree with is that the implications in terms of collective bargaining in Ontario are profound and that he's the guy who is going to carry the can for a lot of years in the future--

Mr. Jones: He would acknowledge that in debate.

Mr. Mackenzie: All right, if all of that is valid, why shouldn't he be before this committee and why is he not before it? Why was he not part of the debate in the House? What is he afraid of?

I'm suggesting to members of this committee that there are specific reasons why the Minister of Labour doesn't want to appear before this committee. I think the reasons are fairly obvious and it doesn't take much imagination to know some of the reasons why he doesn't want to appear. I don't think he's got any answers.

I think if he is honest, and I think he is an honest gentleman, that he is terribly concerned with the implications of what we are doing. If you add to that his own statement that he didn't agree with it, then, my God, it does say something about the future problems we could be facing in Ontario.

I think there is reason to make one small point in connection with a remark made by Mr. Wrye. He should understand there is a concern out there among workers, a very grave concern.

He's got a bit of a naive idea as to what collective bargaining is all about if he thinks I am trying to scare people. I am not trying to scare people, but I have been around the labour

movement long enough to know that you don't clobber people with a two by four the way we're clobbering them and in such a way they're going to feel the effects for two years as they see the rollbacks and their salaries affected, and as they see they can't go to arbitration on a fundamental issue--and it will happen over and over again. As they see and understand that, very clearly you're going to have an angry work force. Surely, our responsibility in terms of that kind of an angry work force is to know just exactly how the Minister of Labour intends to deal with it.

I submit to you, Mr. Chairman, that it is absolutely essential that of all of the ministers, he is before us. I just want to once again tell Mr. Wrye that I am not trying to raise bogymen or scare people. I am saying that you're asking for trouble. We had better know now we are going to deal with it.

Mr. R. F. Johnston: I find it quite surprising that members of the Tory caucus would feel the Labour minister should not be requested to come before this committee on this bill, given that at least half of it, and perhaps one could argue all of it, has direct implications for workers and that he should be here to talk to this committee. It's not as if this is a minor piece of legislation. This is an enormous piece of legislation with enormous ramifications.

I find it mindboggling that we should not request his attendance--as has been explained already, that is what the motion says, "request his attendance"--so a number of questions can be posed to him and a dialogue can be developed. All of us who sit in question period every day can never interpret question period to be a dialogue. It is, generally speaking, a question and then a diatribe, not a dialogue.

Mr. Mackenzie: Sometimes the reverse is true.

Mr. R. F. Johnston: Yes, on occasion it has been known that the diatribe starts in the opposition benches, I would hope mostly from frustration, and there is no answer.

As we all know, the rules of the House also don't require a minister to answer. A minister may just take his seat. One of the great advantages of the committee system is that you can pursue a point and there can be real clarification on a number of issues.

It's perhaps not nice to take shots at Mr. Brandt, but I find it interesting he finds that 1,800 minutes should be the limitation or an overextension of the democratic rights of members of the opposition to oppose something on which a great deal of anger--which at the moment in myself is being suppressed--is felt by our caucus about the principles that this bill abrogates.

Mr. Brandt: It's a reasonable period of time.

Mr. R. F. Johnston: I suggest to you, ~~Mr.~~ Brandt, if there was a bill that you opposed, and if you were in our position as opposition and were opposed to that bill as profoundly as we are opposed to this bill before us, and if you felt that it wasn't



only our democratic right and need to speak up on behalf of the people we see as our constituency, but that you saw for the next year or two years that the democratic rights of working people in this province were going to be stepped on, then 1,800 or 3,600 hours of saying that and trying to get it through to the people who are perpetrating that would not be, I would suggest if you were in our position, too much time.

Maybe we're boring members of the government party in our speeches. Maybe our message is not being picked up as well as it might be in the press. Let me tell you, the rights of working people are hurt fundamentally by this bill. The rights the unions have fought for for years are damaged severely, and I think irreparably, by this bill. We will continue to push as hard as we can to get this thing stopped, because we believe it's a tragedy.

The reason this Labour minister must be before us is because the damage is already being done. You wouldn't have had that enormous number of groups come before you asking to be heard if there wasn't already anger and major concern about what is happening to labour relations in Ontario because of this bill.

As you know, it has not just been your civil servants. It has been members of the private sector unions who have come, as well, feeling threatened by this bill.

I can just say to you that in terms of what I consider basic rights this is almost as offensive to me as the War Measures Act as an abrogation of rights for what it is accomplishing. Especially, I believe the premise is as fraudulent for imposing this on the public sector as was the War Measures Act to suppress a major revolution in Quebec.

5:40 p.m.

The minister, I believe, does not want to come before this committee because he was not consulted on this bill. I believe he was passed over. If you decide you don't want him to come before this committee I can only suggest--

Mr. Jones: You can believe whatever you like, but it's not so.

Mr. R. F. Johnston: Then I find it passing strange how anybody could argue that he should not be requested to come before us to talk about how this will affect arbitration and what his concerns are about the quality of working life co-operation groups which are supposed to blossom around this province. The head of the union, Ontario Public Service Employees Union, Mr. O'Flynn, has said this is a declaration of war.

Mr. Brandt: Colourful dialogue on occasion.

Mr. R. F. Johnston: It has been known to be almost as colourful as dialogue used by certain members of the Legislature on occasion. It's true. I think he is expressing in colourful terms the deep-felt emotions about what is going on.

I don't understand why you don't think the minister should be here to tell us in detailed terms what he thinks this is going to do to affirmative action. We can ask a question on a supplementary, maybe even two in the House on it, but he can duck it. Here we should really know what this is doing to women in the public service in terms of affirmative action. I can't understand why committee members would not think that it is necessary to have the Minister of Labour here to give us his view and the view of his deputy and senior people about what the impact of this will be.

Even more important than any of those individual things is the symbol of contract breaking by government with its union and how important that is in terms of all the other unions in this country and all their employers. Aren't we sending out a message to all employers that they should have basically the same right to break their contracts? The only trouble is, they don't have the same power to rewrite laws that we do. Maybe they should be expecting an extension of this--God knows, with the Liberal support, probably--to also break contracts of other working groups in the private sector.

The symbol involved in this, in terms of everything that's been developed over the last 50 years in labour relations, for the faulty premise that this is somehow going to help the economy, is something for which this minister should be here and be accountable for. He should tell us in a long conversation that he believes it is worth while and that in his view, as the minister responsible for labour relations in this province, the steps being taken are worth while when you contrast them with how it's going to undermine what he has to deal with in the province in the years to come.

If we don't have the chance to grill him, if we don't have the chance to get him on the record, to get him to state how he sees it in very clear terms before this committee, then we will have been missing an important aspect of this debate. It cannot take place in another forum because we have no guarantee that he will speak on third reading, as he didn't speak on second reading. I believe it is the only time we can have him here.

To stop him from coming or to suggest we should not be requesting him to come and therefore sending a message by this committee that we don't really want him before us, would be in my view something which one could impute motives to.

As a member here one could really be concerned about just why it was that this committee decided it would not pass what would seem to be a commonsense kind of motion, especially now that it is the proper time. The chairman said, in the first night's meeting as I recall, that during those public hearings was not the time for the Minister of Labour to appear. My understanding was that later on, when we got to clause by clause, would be the time. The time is here and I've not heard a good reason as yet from the Conservative members why the Minister of Labour should not be requested to come before this ~~committee~~.

Mr. Wrye: I allowed my friend from Scarborough West to complete his comments before raising this point, but there was a

suggestion and an implication from the member for Scarborough West that I and my colleagues in the Liberal Party would suggest that employers in the private sector and indeed employers in the public sector start running around and ripping up contracts. I know the difference may escape him.

The proposal that public-sector contracts be ripped up--and I allow that is the effect of this bill--is a proposal which is being carried by the government and by the Legislature as a whole. Only once the Legislature as a whole does that can the employer rip it up.

I want to make it very clear that this party is not condoning or suggesting that employers or employees start ripping up collective agreements. I would hope the nonourable member would withdraw any suggestion that I or this party would suggest that be the case.

Mr. R. F. Johnston: I was saying this was a symbolic act; that our right as the board of directors, if you will, to make this decision, is symbolic of a power to abrogate rights. That is the message we are sending out, unless we are going to send out a double standard. I have heard the Liberal Party would not mind this kind of control measure extended. It is a message which is very clear.

Mr. Chairman: That is enough on that.

Mr. Brandt: On a point of personal privilege, Mr. Chairman--

Mr. Chairman: It will be a point of privilege?

Mr. Brandt: Yes, it is a point of clarification with respect to an inaccuracy raised by the member for Scarborough West. I would just like to clarify in his mind that every single member of the caucus was very amply involved in the discussion with respect to Bill 179.

To leave any assertions on the books, Mr. Chairman, that the Minister of Labour is not aware of the impact of this bill on his ministry or is not aware of what the impact might be in terms of both public and private sector bargaining would be erroneous. I just want to suggest that he has had input into the bill. I thought that point should be clarified.

Mr. Chairman: Thank you for the clarification, but that is not a point of privilege.

Mr. Brandt: But I got it onto the record anyway.

Mr. Philip: If I was the Minister of Labour I would want to be here.

Mr. Brandt: You are not.

Mr. Philip: I recognize that, and I recognize the reality of March 19, which is what this whole thing is probably



about. If I were the Minister of Labour, I would want to be here for the simple reason that I know the value of the community system. I know, as many other ministers have discovered, that often the real value of the justice committee or any other committee is that it helps them to think through things that their own colleagues--no matter how well they may have discussed it with them in the caucus, as the member for Mississauga North has pointed out, no matter how they may have consulted with their own people, there are certain points that they have not brought up.

I have sat on this committee over the years; I have chaired it for a number of years as well. As you well know, Mr. Chairman, a minister will often share things with you when he sits beside you. Often we see that ministers have gained from all members of the Legislature and have seen areas they have to counteract that will create problems further down the road. I think part of good management is planning ahead and stopping problems before they arise. Surely, as the Minister of Labour, he would want to do this.

This resolution doesn't say the minister is required to appear. It is simply an invitation. This committee has found over the years that it is useful to have the ministers who are directly affected by legislation so we can understand the legislation better and understand the implications and also so we can think things through with them. You can't do that in question period.

What happens in question period is that the members of the opposition try to trick the members of the government and then turn out their press releases afterwards. You know that's the game played--

Mr. Wrye: Is that what you do?

Mr. Philip: It is what you are trying to do. Maybe you are not as successful as we are at doing it, but I am sure that's what you try to do.

5:50 p.m.

In the committee system, in the informal atmosphere--

Interjection.

Mr. Riddell: You are repeating and repeating. I am hearing the same thing from Mr. Philip as I heard from the rest of them. Give us something new and keep it interesting.

Mr. Philip: I am approaching it from a different angle. I realize you are either a very slow listener, a very poor learner or too structured in your own thinking to be flexible enough to branch out to others. However, I realize there are members of your caucus who are not as inflexible as you are and they may gain something from it. I realize there are members such as Mr. Piché in the Conservative Party, and perhaps the member for Mississauga North, who I don't think are that inflexible and can understand and appreciate.

Interjections.

Mr. Philip: If we get into Mississauga East we would run into the same kind of inflexibility.

Mr. Chairman: We have 10 more minutes.

Mr. Philip: I don't want to do a critique on the management or behavioural style of each of the members in the committee. I will turn my remarks to what I was talking about before I was so rudely interrupted.

The role of the committee system is to help the minister and to help the members of the Legislature think through the implications. This bill clearly has labour relations implications. It seem appropriate to invite the minister to come and share with us those kinds of things he cannot think through in the House through question period.

From a good management point of view--and my major objection to this bill is not from the management point of view, it is from a civil liberties point of view, but, none the less--as someone who has been a manager and someone who has taught courses in good management, I find the implications of this bill quite frightening.

I would think the Minister of Labour would be very concerned about this. I would think he would be concerned about what happens when a country imposes these kinds of draconian measures on a labour force and what it does to the labour relations system in that country.

There is a direct relationship which has been shown over and over again--anyone who reads any of the management books will understand that--between the ability of a participatory democratic kind of system of management and the authoritarian kind of management which is clearly indicated in this kind of bill.

As the Minister of Labour, I would be very concerned about this. If I were a manager in either the public or the private sector, I would be extremely concerned about this bill from a management point of view, not to mention the labour point of view.

For that reason, I find it reasonable to invite the minister to have this kind of dialogue with us, to look at the implications of the bill and what's likely to happen as a result of this bill. I think some people are trainable. I realize some people are too rigid to be trained and therefore too unopen to change.

There is the untrainable person that even I, as a professional trainer, can think of. I have only run into one before I ran into Mr. Riddell, but I think it would take quite a group to shake Riddell up enough to make him open to anything.

Mr. Riddell: Mr. Chairman, the NDP have never managed a thing in their life. There is not one of them who has managed a business. I happen to be fairly successful at a business and I will challenge you people.

Interjections.



Mr. Chairman: Order.

Mr. Brandt: The chairman will break his gavel if you don't come to order.

Mr. Chairman: Order.

Interjections.

Mr. Chairman: Mr. Philip, you are being repetitious. Will you please wrap it up?

Mr. Philip: I will wrap it up by saying this to Mr. Riddell, that I can recall one night in the Legislature when a similar silly challenge was made by a member of the Conservative Party and I suggested that all members who had a business background stand. In fact, there were more New Democrats than there were Conservatives or Liberals who stood that night.

Mr. Riddell: You name them.

Interjections.

Mr. Chairman: Gentlemen, we are going to be calling standing order 10 in just a moment if we don't just settle down. Mr. Philip, are you through?

Mr. Philip: Fine.

Mr. Laughren: Mr. Chairman, I am glad you have established the precedent of allowing--

Interjection.

Mr. Laughren: I will wait till you are finished.

Mr. Chairman: Pardon, Mr. Laughren.

Mr. Laughren: I am glad you have allowed the precedent of participation from the audience in the debate as well this evening.

Mr. Chairman: Mr. Laughren, I can't let that pass. I looked at them and I gave them a wee bit of a warning.

Mr. Laughren: I see.

Mr. Chairman: Mr. Laughren, it is not fair for member of the New Democratic Party to talk about audience participation. That's not fair under these circumstances.

Mr. Laughren: I always thought you made rulings in the past.

I would have thought, given the significance of this bill, there would be an array of cabinet ministers, either up there or here, as witnesses wanting to state their positions and wanting to state why they were supporting this piece of legislation. I do not

understand why they don't have the courage to come before this committee, because that's basically what we are talking about.

When we have questioned the Minister of Labour in the House, he has backed down on this issue every single time. He has stated he does not like the legislation. There is no question as to why he will not appear before this committee. Maybe there are questions in the minds of the government members but there is none in mine.

The Minister of Labour should be competing with his colleagues to get before this committee and make his points, but he is obviously not prepared to do that. Is there really any doubt in anyone's mind why the Minister of Labour doesn't wish to appear before this committee and why the government members don't want the Minister of Labour to appear before this committee? Is there any doubt in anyone's mind at all?

As for the comment from the member for Sarnia that the minister is aware of the implications of this bill, if that is true and I am sure he will insist it is, how does he feel about the Minister of Labour thumbing his nose at this committee then?

It is all the more reason he should be here in this committee. He is insulting this committee. He is thumbing his nose at this committee and everyone else who is concerned about the impact of this legislation. That's what is happening.

Interjections.

Mr. Chairman: Mr. Laughren has the floor.

Mr. Laughren: If you really think that the way to get the minister's views on the implications of this legislation is the question period, I wonder how many question period sessions you have attended. To be fair, you know full well that that is not the place to investigate any issue in any kind of depth. You know that.

Mr. Stevenson: You ask a good question.

Mr. Laughren: That is fine for you to say, but you know that that's simply not possible.

Mr. Philip: How many have you asked?

Mr. Laughren: If the Minister of Labour was here before this committee--we would like to see him here.

Mr. Chairman: Mr. Laughren has the floor. We don't need interjections from his own party or the Progressive Conservatives. He doesn't need any. Thank you.

Mr. Laughren: If the Minister of Labour was here, there are a lot of questions which we would like to ask him. We don't think it is reasonable to even expect the Treasurer or his parliamentary assistant or the chairman or the members of the Conservative caucus to be able to answer those questions.

I would sure like to ask the Minister of Labour in here to explain how this legislation is going to turn around the problems in any community in this province that is having problems right now. I am not only talking about the Sudbury community, but I would sure like to ask him how reducing the wage increases of the civil service to zero is going to do one single thing for the nickel industry in this province--one thing--or the car industry in this province?

You know and I know that's not the problem and the Minister of Labour knows that if he appears before this committee those are the kinds of questions he is going to get from members, from community after community, to which he will not be able to provide answers of any intelligence whatsoever. There are no intelligent answers to those questions in reference to this legislation. You know it and I know it, and that's why the government members do not want the Minister of Labour before this committee.

I think it is incumbent upon him to appear, and I find it really difficult to understand why the government members aren't saying, "You're damned right, we want the Minister of Labour here." There are a lot questions to which they must want answers. They must be getting questions to which they can't provide the answers.

Why don't you want the Minister of Labour before this committee? Surely you understand the implications of this bill. My colleague from Hamilton East put it extremely well to you in very stark terms. If you choose to ignore what he said to you, you do so at the peril of good legislation and good labour relations in Ontario.

I see people looking at the clock, so perhaps--

Mr. Piché: He has called the clock, Mr. Chairman.

Mr. Laughren: No, I haven't called the clock.

Mr. Wrye: I'll complete my statement later.

Mr. Chairman: Mr. Wrye has recognized the clock. We will adjourn until eight o'clock with Ms. Bryden the only speaker remaining after Mr. Laughren.

The committee recessed at 6:01 p.m.

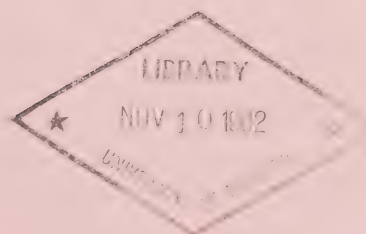
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STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

INFLATION RESTRAINT ACT

TUESDAY, NOVEMBER 2, 1982

Evening sitting



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)

Brandt, A. S. (Sarnia PC)

Breaugh, M. J. (Oshawa NDP)

Breithaupt, J. R. (Kitchener L)

Elston, M. J. (Huron-Bruce L)

Eves, E. L. (Parry Sound PC)

Mitchell, R. C. (Carleton PC)

Piché, R. L. (Cochrane North PC)

Stevenson, K. R. (Durham-York PC)

Swart, M. L. (Welland-Thorold NDP)

Watson, A. N. (Chatham-Kent PC)

Wrye, W. M. (Windsor-Sandwich L)

Substitutions:

Riddell, J. K. (Huron-Middlesex L) for Mr. Breithaupt

Spensieri, M. A. (Yorkview L) for Mr. Elston

Also taking part:

Bryden, M. H. (Beaches-Woodbine NDP)

Cooke, D. S. (Windsor-Riverside NDP)

Mackenzie, R. W. (Hamilton East NDP)

Martel, E. W. (Sudbury East NDP)

Philip, E. T. (Etobicoke NDP)

Wildman, B. (Algoma NDP)

Clerk: Arnott, D.



LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Tuesday, November 2, 1982

The committee met at 8:05 p.m. in room 151.

INFLATION RESTRAINT ACT  
(continued)

Consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector in Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: Gentlemen, there being a quorum in place, we will continue with the sittings. Mr. Laughren was not finished, but I met him outside and he said that he was going to another committee, so I must assume he has therefore completed. Ms. Bryden is the last speaker.

Ms. Bryden: Thank you, Mr. Chairman. I certainly feel that the request that the Minister of Labour (Mr. Ramsay) should appear before this committee is a very legitimate one and a very important one in the light of this legislation.

In the House, the Minister of Labour said this legislation was neutral as between men and women. In view of the fact that women make 51 per cent approximately of what men make, I fail to see how a legislation which provides percentage increases could possibly be neutral between men and women because the majority of women will be getting five per cent of a wage that is 51 per cent of what men make. So this legislation is certainly far from neutral. I think the Minister of Labour should be asked to come before us and explain to us how he feels it is neutral as between men and women.

The minister was not here for most of the briefs which documented ways in which this legislation is far from neutral as between men and women and which, in fact, discriminates against women. I think he should come before us and explain to us how he justifies his opinion that it is neutral. He should answer the documentation that different briefs have put forward as to how it affects women in a discriminatory manner in their particular fields of work.

I remind the committee that the government in its throne speech on March 9 of this year committed itself to strengthening existing equal pay provisions and "to further the advancement of women in the work force in both the public and private sectors."

With this kind of legislation, many of the deputations told us that any further advancement of women in the work force, particularly in the private sector, would be completely stymied for the period that this legislation is in effect. That could be for some bargaining units as long as three years, for many two years and certainly for all of them one year at least.

I think the minister should have to come forward and tell us how he expects himself and the government to carry out that commitment in the throne speech, to further the advancement of women in the work force.

I would remind the committee of a few of the cases of discrimination that were brought forward in the various briefs. I remind them that the chairman of the Ontario Public Service Employees Union, Mr. O'Flynn, called this legislation sexist legislation and pointed to the 17,000 clerical workers of whom 15,000 are women. This is in the clerical administrative section. These workers signed a two-year contract in good faith with this government. Unlike a great many other public service unions and a great many other bargaining units under OPSEU who signed only one-year agreements, this group accepted a two-year agreement.

As a result of this legislation, they are going to suffer an actual rollback in the increases which they thought they had been granted under the collective agreement they signed. It can be a rollback of as much as \$1,000 a person for some of them and most of them are workers whose average wage is in the \$15,000 to \$18,000 category.

In effect, these workers are being taxed by the government, presumably, to solve the inflation problem but there is no guarantee the money that is being taken out of their pockets will actually be put into job creation or into solving the inflation problem. They are simply being made a scapegoat to indicate that government is meeting the inflation problem in some concrete way--at the expense of these workers. As I say, 15,000 of the 17,000 are women.

I remind the committee also that the Minister of Labour should answer the point that the women teachers' federation raised, namely, that the cutoff of the incremental increases which teachers accept as part of their employment contract and expect to receive on an annual basis--the cutoff at the \$35,000-level--will mean that some teachers will not get their expected increase. Other teachers who reached that level before this legislation comes into effect will have a higher rate of pay for doing the same work, for completing the same period with their employers.

As one group appearing before us said, this is discriminatory against women because there are more women at the lower level who are moving up in this incremental basis. On the other hand, even if there were not more women, if there were one employee who suffers this cutoff of an earned increment, there is discrimination of that employee in relation to other employees who are doing the same work and who have completed the same period of time.

I also draw your attention to the public health nurses in North York who came before this committee. These nurses are--

Mr. Riddell: On a point of order, Mr. Chairman: Do I understand we are back to second reading of the bill or are we dealing with the motion that was put requesting that the Minister of Labour comes before the committee?

If we are dealing with that motion, I just fail to see what the public health nurses, the teachers and the whole gamut have to do with this particular motion. Are we going to sit all night and go through second reading of the bill?

Mr. Watson: Patience, Jack. It is called delaying tactics.

Mr. Chairman: That point or order is quite in order and I would ask Ms. Bryden to restrict herself to the motion as to the details of the Minister of Labour.

Ms. Bryden: What I am asking is that the Minister of Labour come and account to us how he thinks this bill will not affect these people I am mentioning adversely in a discriminatory way and now he can at the same time claim that the bill is neutral. This is a very important point that he must explain to us. I don't think this government is in favour of non-neutral legislation with regard to women, at least not according to their published statements.

I say that the minister must come and explain how he is going to account for the cutoff of legitimate increases that public health nurses in both North York and Niagara should have. They have been very badly underpaid in relation to their counterparts either in the city of Toronto where the public health nurses do the same work and in the same area or in the Niagara region where they do the same work as sanitary inspectors. It seems to me that these are things the Minister of Labour should be telling us the answer.

I want also to mention affirmative action programs. The Minister of Labour has said he is very much in favour of voluntary affirmative action programs and has spoken about the progress, as he calls it, that is being made, although it seems rather slow. I want to ask him to come before us and tell us whether the affirmative action programs will be frozen for one, two or three years because they involve catch-up in wages in many cases in order to bring women into the better-paying jobs. Will the legislation prevent that?

I want to ask him if it will prevent bargaining for nonmonetary matters affecting women particularly. They need to bargain on protection from potential dangers of video display terminals. They need to bargain on maternity leave because we have no legislation in those fields. Will this be frozen during the period of this legislation and, if so, is it fair to women that they should be frozen on these particular matters of great concern for which there is no legislation?

These are some of the matters on which I would like the minister to answer to us. I also would like him to tell us, if he knows, what percentage of the 500,000 people affected by this legislation in the public sector are women? I would suspect it would be greater than a majority because there are very many women in hospitals, in the teaching professions, in libraries and in nursing, and all of them, if they are paid through the public sector, will be affected. It seems to me that this legislation is very seriously directed against women.



I would like to remind the committee of just one paragraph out of the brief from the Federation of Women Teachers' Associations of Ontario which was presented to this committee last week. It said: "We protest this unjust legislation. Teachers are prepared to make sacrifices for the good of the country, but if their sacrifice is pointless, they will understandably be bitter."

Then they went on to say: "It is not only for teachers that we protest. The lowest-paid public sector workers, most of whom are women, should not be called upon to bear any greater economic burden than they now do. We ought to be deeply ashamed as a society of the wages we pay to some of our employees."

Mr. Chairman: Ms. Bryden--

Ms. Bryden: I have just one more sentence, Mr. Chairman.

Mr. Chairman: Thank you.

Ms. Bryden: "The least we can do is not ask them to bear a disproportionate share of the responsibility for fighting inflation."

I think that sums up the sort of thing the Minister of Labour should address us on and tell us if he is asking women and low-paid women to bear a disproportionate snare under this bill.

Mr. Chairman: Thank you. You do remember this afternoon, gentlemen, that Ms. Bryden was to be the last speaker. I now have Mr. Wrye and Mr. Mackenzie, each of whom has spoken before at least once.

Mr. Wrye: Once.

Mr. Chairman: You once and Mr. Mackenzie twice.

Mr. Wrye: That is correct.

Mr. Chairman: Would you carry on, Mr. Wrye.

Mr. Wrye: Thank you. I will be brief. In a sense, I want to issue a challenge or warning or whatever you wish it to be to both parties. Let me start with my friends from the New Democratic Party who are aware that we are supporting this motion. I would expect that they would get off their high horse of withdrawing this bill, especially in view of Ms. Bryden's comments, and support our amendment, which I am sure the member for Hamilton East (Mr. Mackenzie) has seen--and if Ms. Bryden hasn't seen it, he can bring it to her attention--to provide the kind of notching that would protect the very women whom she speaks about. I would bring that to her attention and hope that she would persuade her colleagues to speak up in favour of that amendment.

Mr. Chairman: Mr. Wrye, that is not on the motion.

Mr. Wrye: To the Tory members, and on the motion, I would suggest that we on this side are prepared to be very difficult about the Minister of Labour. The parliamentary assistant to the Treasurer has indicated to us that on the price portion of this bill, Dr. Elgie will be present. If you do not wish to have the Minister of Labour present for independent discussions before we go into clause by clause, this party serves notice now that we will so move and we will be very difficult about the issue of whether the Minister of Labour ought to be present for the wage discussions of this bill.

8:20 p.m.

I am quite aware that the bill is in the Treasurer's name and that he is carrying it, but it seems to me that it is high time that the government members begin to understand that there are labour implications for this legislation. I am speaking most particularly in my role as critic for Labour. I think that members on the opposition side have raised a number of very pertinent points. I am just suggesting to you, if you wish to vote against this motion, you are going to get another one that will call for the Minister of Labour to be present for clause by clause.

I suggest to you, with all respect to each and every government member, that you make up your minds that the opposition in this committee is virtually insisting that the Minister of Labour present himself to answer, unless he wishes to refuse--in which case he makes a mockery of the committee process--what I think are some very reasonable questions.

Most of you on the Conservative side, looking at the five members now present, and, indeed, Mr. Brandt, have been here for most of the committee hearings. I do not think any of you would deny that a number of the witnesses have raised before us some very serious concerns about implications of this legislation, particularly as they apply to women. I will pick up a theme that my friend the member for Beaches-Woodbine (Ms. Bryden) has just raised.

I would suggest to all of you, with all due respect, that if we are going to have any pretence of trying, in a sense, to work together through this legislation--whether we can agree or disagree on the final votes does not really matter--and making this process democratic, it seems to me that this is certainly the one area which you should allow the procedural motion to go through.

I appeal to the Conservative members not to use their majority but to understand that at some point the Minister of Labour must make an appearance and must answer for the labour implications of this bill. It is entirely unacceptable to us that the Minister of Labour would remain silent through first, second, third reading and committee stage of this legislation. I don't really care whether he spoke on second reading, I didn't speak on second reading, but we are at the committee where there really should be a give and take with all members, Conservative, Liberal and New Democratic Party, and that is all we are asking for.



I would hope in that spirit you will allow this motion that we request the Minister of Labour to appear before us and answer some very deep concerns about this legislation and the implications that it has for workers in the public sector and, I might particularly point out, for women workers.

Mr. Mackenzie: I have a very brief couple of comments. I would remind Mr. Wrye that you don't start negotiations by telling somebody to get off his high horse. I am very pleased that he is going to get very tough with the government, although the credibility of that, when they know where you stand to begin with, is difficult to assess.

I do want to say that I resent the interjections when Ms. Bryden was speaking by Mr. Riddell, when she was specifically referring to, if you will recall at the time of those interjections, public health nurses, and was referring to the brief they had. That group, those who have been on strike for so long down in the peninsula, is probably getting whacked harder than almost anybody else. Also, there were her comments on the Federation of Women Teachers' Associations of Ontario, reading part of their comments into the record. There was nothing wrong with either of those points; they dealt directly with the absolute necessity of the Minister of Labour being here because they were two groups before the committee that were making their case and really were being hurt. My god, now that could not be speaking to the request for the Minister of Labour to be here, I find almost impossible to imagine.

Mr. Chairman: There being no further discussion, shall we vote on the motion?

Mr. Mackenzie: We have to call in the members.

Mr. Chairman: Yes. How many minutes would you like, Mr. Mackenzie?

Mr. Mackenzie: Up to 20 minutes.

Mr. Chairman: Twenty minutes unless everyone is here prior to that.

Interjection.

Mr. Chairman: That is not terribly likely, but I'm an optimist. I even wear an Optimist button some of the time.

The committee recessed at 8:26 p.m.

8:46 p.m.

Mr. Chairman: Gentlemen, it is 20 minutes, maybe even 20 and a half minutes. Therefore, let's have the vote. We're in the middle of a division. Recorded?

Mr. Piché: A recorded vote.

Mr. Chairman: Yes. Shall we have a recorded vote from here on unless you say to the contrary?

Mr. Piché: I think the rules call for it to be recorded.

Mr. Chairman: No, only if it's requested.

Mr. Piché: No? Go back to the last sentence.

Mr. Chairman: Certainly, if requested by any member.

Mr. Piché: No, look at the last line.

Interjection: Ask him to step outside.

Mr. Piché: "Would be recorded when we come back." This and bullshine rules of procedure, I know.

Mr. Mackenzie: It was my understanding that you had to request to record a vote in committee. Maybe I'm wrong.

Mr. Chairman: No, that's my understanding of the rule.

Interjection: The tape recorder is on.

Mr. Chairman: All those in favour of Mr. Mackenzie's motion, number 3 of the New Democratic Party, please respond to the clerk.

The committee divided on Mr. Mackenzie's motion which was negatived on the following vote:

#### Ayes

Cooke, Mackenzie, Wrye, Riddell, Spensieri.

#### Nays

Brandt, Eves, Mitchell, Piché, Stevenson, Watson.

Ayes 5; nays 6.

Mr. Chairman: I now have in front of me two motions. Of course, I received numbers 4 to 10 of the NDP first. I have received a motion from Mr. Stevenson. I'll read it. You have copies, have you not?

Mr. Cooke: We went through the proper procedure in tabling these motions.

Mr. Chairman: Yes, you did, there is no dispute. I've cleared that.

Mr. Cooke: Then let's go on to motion number 4 and we'll deal with that.

Mr. Chairman: I'm looking to see if there is something that can be done here before we go into the formal tabling of your motions.

The motion is that motions numbered NDP 4, 5, 7 and 8 tabled today be considered together as one motion, but that the committee vote separately on each of these four elements.

Interjections.

Mr. Chairman: I'm just reading it. I'm not accepting it as tabled any more than yours. I have sought advice, and if it were put in front of me I would have to reject it because it anticipates your placing those motions, which you haven't yet done. For the sake of goodwill and expedition, is it possible that you would consider grouping some of your motions so that they may be addressed at one time?

Mr. Cooke: I think we will not accept that. There may be a couple that we are willing to lump together as we proceed, but we'd like to proceed with the next motion first.

Mr. Chairman: Fine. Thank you.

Mr. Stevenson: Am I to understand that if I try to enter this as a motion that you are going to rule it out of order?

8:50 p.m.

Mr. Chairman: I would rule it out of order. I also have to state that I should not accept it. Yours was tabled before yours. It hasn't been read yet. It isn't a motion, but it was put in the clerk's hands, or my hands, prior to yours. However, you got my attention. I am saying I would have to.

I have sought advice on this and at this time there is no such thing as motions 4, 5, 7 and 8 of the NDP. There are no such motions yet tabled.

Mr. Stevenson: Fine.

Mr. Chairman: I wouldn't throw it too far away because the NDP may be adaptable somewhere along the line.

Mr. Stevenson: Don't count on it.

Mr. Chairman: Mr. Cooke has intimated that he may be in a compromising mood.

Mr. Stevenson: He's just teasing, aren't you, David?

Mr. Cooke: Do you have any good scotch?

Mr. Chairman: ~~Excuse~~ me, gentlemen, is there another motion someone wishes to put?

Mr. Cooke moves that this committee requests that the Deputy Minister of Labour appear before this committee to discuss in detail those aspects of Bill 179 affecting his responsibilities.

Mr. Chairman: That is the sixth one, yes. It becomes number 4 then.

Mr. Cooke: I thought it made sense to put it after the Minister of Labour's motion.

Mr. Chairman: Gentlemen, would you change that around to the NDP motion number 4. It will mean a renumbering of the others as they come in front of us. Mr. Cooke, you've read it. Do you wish to address it?

Mr. Cooke: Briefly, I understand that the Deputy Minister of Labour has indicated fairly clearly that he is not totally in agreement with this bill and, in fact, has indicated that he was not consulted. There are problems he sees with the implementation of this bill in the long-term effects of this bill on labour relations in Ontario.

We in this party believe that he, as the deputy minister, and a very knowledgeable individual in the field of labour relations, would be useful to come before this committee to discuss with us the long-term ramifications of this bill on labour relations in the province.

All the other arguments that were used earlier for the Minister of Labour could also be used to some extent in our request that we invite the Deputy Minister of Labour as well. But in the compromising mood that I'm in, I will stop my remarks at that point. I'm sure there will be other members of my caucus, however, that will want to discuss this matter.

Mr. Wrye: I will be brief. We have taken a look at this motion and have decided we will not support this motion. We believe that it is unfair in a process which is to some extent political to involve a bureaucrat in these discussions, which would by their nature be of a political nature. We would not wish to compromise his position.

I would remind the Conservative members of the committee of my earlier warning, which I intend to follow through on, that we will again put a motion to bring the Minister of Labour in for clause by clause. That seems to me, and I would hope the government members would agree with me, to be the appropriate remedy for our desire to have some official of the Ministry of Labour to come before this committee and be accountable at some point for this legislation.

I say that completely aware of and understanding the fact that the minister carrying this legislation is the Treasurer. It is for that reason, for the fact that the deputy minister did not make the political judgement, and it's ultimately a political judgement that brought us to this point, that we will not support the motion to bring the Deputy Minister of Labour in.



We do not feel he is the appropriate official, but having said that, we only say it on the basis that we feel it is terribly appropriate that the Minister of Labour make an appearance and give testimony in the fashion that I will suggest to this committee.

Mr. Mackenzie: There are reasons, not in terms of responsibility for policy, but that are just as valid to have the Deputy Minister of Labour before this committee as there are to have the Minister of Labour. I think one of the things that the members of this committee should understand is that if there are implications in terms of what we are doing to collective bargaining and what we are doing to put the Ministry of Labour on the spot for a considerable period of time to come, there are a couple of key people on the minister's staff, and one of them is the deputy minister, who have a considerable background out of the trade union movement.

If anyone has the contacts and the ear of the people in the trade union movement, and I am talking at an individual local level and of the umbrella bodies, the provincial bodies, and the Ontario Federation of Labour, then it is the Deputy Minister of Labour in Ontario. I also know that nobody can give the government a better reading as to what the ramifications of this legislation are. I would like very much to know what if any, once again, his input into the bill was, just as we asked what the Minister of Labour's input into the bill was.

I would like some questions answered as to what is happening today as the concern over this bill begins to perk in the economy and the calls go into the Ministry of Labour, some of which I mentioned earlier, and the response there, but also the response that is coming from some individual key people within the minister's office. I would like to know, for example, if they are or are not refusing to attend something they regularly attended in the past, any union meeting, federation meeting or any major meeting where the issue of this bill might come up. They might figure that there is good reason for it. I would certainly like to know why that is happening, if that is happening.

It certainly is what we hear and what we are getting back from some of the unions, that, in effect, "Do not talk to us. We are not available on something that may have been covered before, if this bill is likely to come up." That also raises in my mind some very serious implications of exactly how effectively the minister and the ministry have taken a look at what is going to happen as a result of this legislation, or what may happen, or the ramifications of the legislation.

Because the credentials of the deputy minister are excellent in terms of contacts with the trade union movement, something that I am well aware of personally, I think it is important--and it is putting him on the spot, and I recognize it, though I do not think ~~it is~~ putting him on an impossible position--that somebody who has this kind of knowledge is before this committee so that the questions can be asked as to what the ramifications of this legislation are. To me, it makes ultimate sense that we have him before the committee.



Before people get too excited about our determined opposition to this bill, we have obviously had a total stonewall on any of a number of eminently sensible motions we have moved here, on most of which, as you know, Mr. Chairman, at least the inference was there in the early hearings that maybe some of these people would appear before us before we got into the clause by clause.

Mr. Wrye: More than an inference.

Mr. Mackenzie: I think it was more than an inference. That was certainly there, but what have we seen to date? Not a minister, other than the Treasurer (Mr. F. S. Miller) who has been sitting through some of it. We cannot even get support on a motion to have here one of the key ministers of the most important ministry that is going to be affected. I wonder what will happen with the next couple people we have, who also have a very grave stake in this.

We cannot get the deputy minister here. If the Minister of Labour was not knowledgeable, which may very well be the case, about the potential ramifications, even though I think he is trying to grasp his portfolio, certainly his deputy, who was in for years before he took over, is going to be very much aware of what the ramifications are. I do not think they are talking through their hats.

For some of the major union groupings, the federation, the machinists whom we did not hear--and I invite all of the delegates here to make sure that is one of the many briefs they take a look at--there are certainly serious ramifications possible as a result of this legislation, and it would be a mistake if we did not have the Deputy Minister of Labour here.

It may be that we should have moved that one before the minister himself, because obviously if you are going to turn down the minister, you are putting his deputy on the spot, and I recognize that. The question in my mind is whether we are serious about just what this bill might do and whether we care about the ramifications. I had thought that was one of the reasons for this particular committee sitting. If it is nothing but window-dressing it is a pretty sad commentary on what we are doing here today.

9 p.m.

Mr. Wildman: I recall early in the proceedings of the committee a statement was made by the Treasurer to the effect that he believed that the Minister of Labour and/or the Chairman of Management Board (Mr. McCague) would be sitting in on the hearings, as he said, since although he was carrying the bill for the government, this was a piece of legislation which had serious import for both of those other ministers and their ministries. I honestly regret that this committee has decided on more than one occasion against inviting the Minister of Labour to participate in the proceedings.

I will not go over all of those arguments but I think that all members of the committee, no matter what their position on the legislation, are fully aware of the fact that the bill has serious ramifications for collective bargaining in this province. I think it is most unfortunate for us to have had hearings in which we have heard a large number of groups from the labour movement, from teachers' federations and other interested parties, most of whom have completely panned this legislation and said that they do not want it and it should be withdrawn because of the detrimental effect it is going to have on free collective bargaining in Ontario, but then not to have someone from the ministry responsible for collective bargaining in Ontario and for facilitating its progress, come before the committee to answer some of the concerns that were raised by deputants to the committee and to advise the committee members on the particular ramifications of the effect of major parts of the legislation on collective bargaining.

I listened very closely to Mr. Wrye's comments on the question of inviting the deputy minister as opposed to a minister. I understand what he is saying, and I would agree that I would prefer to have the Minister of Labour here. For that matter, I would have preferred to have the Minister of Labour speak in the second reading debate in the House. Unfortunately he chose not to.

I think it is possible for us to invite the deputy minister and to seriously guard ourselves against asking him questions of a partisan nature. Obviously, a civil servant at the deputy minister level is involved in policy making. He is responsible for advising his minister and the government on policy issues. Certainly on other occasions, before other committees of this House, I have heard the deputy minister speak on issues and their effects, as he sees them, on collective bargaining in Ontario. During the Ministry of Labour estimates I have heard Mr. Armstrong make those kind of comments.

As my colleague said, Mr. Armstrong does indeed have a great deal of experience with collective bargaining in Ontario and has a lot of contacts within the labour movement. Certainly he would know a large number of the people from the labour movement who appeared before us. I am certain he would be able to explain what the government's position was in relation to the comments made by those people before this committee.

I would hope that the committee would seriously look at this motion. If the government members here support the legislation as it is drafted, despite the large number of deputations before the committee against that legislation, then I think they should be prepared to hear a critique of the legislation from someone who is in a policy-making position with government and who can say, "This is what I think are the results." Perhaps that will lead certain members of the committee to either formalize their position and ensure that they are right in what they are doing or, in some cases, it might lead them to question their position.

I think this is a very sensible, reasonable and serious motion, a motion which is put with a serious intent and is certainly not frivolous, and I would hope that government members would consider it very carefully.

Mr. Riddell: I have been sitting here, relatively quiet, not participating too much in these debates because I think that this gamesmanship can be carried on far too long and I really cannot believe what I am hearing.

I would not mind seeing the Deputy Minister of Labour come before us. I would prefer the Minister of Labour to come because I would dearly love to ask the Minister of Labour or the deputy minister whose rights are really being taken away.

I have heard the NDP talk about the rights of the public sector being taken away. I have heard the NDP say that inflation is being fought on the backs of the public sector. I am going to tell you, I was a member of the public sector, I was in the teaching profession for a number of years. Had I stayed in that profession I know what I would be making at this time and I would have a terribly guilty conscience to think that I was going to kick up a fuss because my wages were going to be frozen at five per cent, knowing that I was teaching young people whose parents had been thrown out of their business. I am referring to the farming business.

Mr. Cooke: We know what you think about the rights--

Mr. Riddell: Just listen.

The farmers are being shut down, right, left and centre. They are being put out in the road, with no place to go. They come to me to ask if there is any chance of getting into the public sector. I suggest they go to Douglas Point, where Ontario Hydro has one of its nuclear generating plants and development is going on there. They follow up that suggestion. They go, only to come back to say, "Mr. Riddell, there is not a chance in the world of getting a job there, even though we have the qualifications, even though we are more productive than some of the people there now."

I have to tell you, they are productive because they have used every minute of every day of their life that they are on the farm. They know how to work, but they come back and say, "We can't get a job there because we do not have our name in at the union hall, we are not a member of the union and they have just turned us down flat."

Now you tell me whose rights are being taken away. Here we have the business people, not only the farmers, but merchants in town losing their stores and everything else, dearly wanting to get into the public sector because they understand that the people working in the public sector have a job seven days of the week.

Mr. Cooke: Why don't you introduce right-to-work legislation then?



Mr. Riddell: Let me continue without further interjections.

They realize that those people working in the public sector have a job. Chances are they are not going to be thrown out of their job. I won't say that some of them don't lose their jobs, but it's as secure as any job you could possibly get, and they understand that. They don't understand why all this fuss about a one-year moratorium on wages or limiting wages to a five per cent increase, or for those in the lower-income bracket, a notching effect which would allow them a larger increase.

I am going to tell you the farmers I talk to know that inflation has to be controlled. They are not kicking up a real fuss about having to take a decrease in their income--and it is predicted that the farmers will take a decrease in their income amounting to between 20 and 30 per cent this year. They are prepared to live with that because they know we are going through difficult times, but they simply do not understand why all this fuss about a certain sector of society being limited to a five per cent increase. The farmers said, "My good God, Jack, you give us a five per cent increase and we will think we are on top of the world."

9:10 p.m.

So we are not fighting inflation, as far as I am concerned, on the backs of the public sector. We are fighting inflation on the backs of business people, including the farmers. I would suggest that we give pretty serious consideration to those people who are really getting hurt in this business. I just pretty near have to cry and, as you know, I have practically reached the boiling point.

I have listened to these debates and these comments, particularly from the NDP, crying the blues because the public sector people are being restricted in their wages, knowing full well that there are many people in the public sector who are doing far better than we are even doing, and I think we are doing awfully damned well in the job we have. But listening to this and knowing that farmers are losing their businesses and merchants in town are losing their businesses, I don't know how long we can continue to carry this on.

We learned about productivity the other day, read the article about how we have become so unproductive in Canada. We are so unproductive in this Legislature that it is just a sad situation. I suggest that we get on with the work we have to do, let's get our amendments made to the bill, but let's not sit here day in and day out listening to the same thing being said time and time again.

If you sense that I am a little angry, I am, and I would suggest that we get along and not simply waste time the way we are. Let's be somewhat productive and show the people out there that we are trying to do something which will give them a greater

future, rather than think that we can withdraw the bill or carry on and simply ask the government to sink more money in to fuel the fires of inflation, because we know where that is going to take us.

We have to look down the road. We have to plan a few years ahead, and I suggest that that's what we are doing when we are dealing with a restraint bill and trying to make amendments to make it more fair and equitable if somebody is happening to lose out. Let's realize that we are going through difficult times. We have to adopt a program to control inflation, and if this program is the only one that appears to work, then let's get on with it.

Mr. Brandt: I have to say that I listened with great interest to the remarks of Mr. Riddell in connection with his view of what is going on outside of this Legislature at the moment. I have to tell him that there were people who were snickering and some who were smiling. I was not snickering and smiling because he made eminent sense in his remarks. As a member of the Conservative caucus, I have to congratulate him on speaking quite frankly for a large percentage of the people of this province who are suffering far more than I think some of you guys on the other side recognize.

Mr. Cooke: --bill, we would be supporting it, but--

Mr. Chairman: Mr. Brandt has the floor.

Mr. Brandt: Let me get to that because I would like to take a moment to talk about some of that too. It just so happens that our views may be somewhat more in concert than yours are in this particular issue.

Before I get into some of the aspects of Bill 179, I would like to just touch on one point briefly. To suggest that we could bring the deputy minister here in some kind of a nonpartisan way I think is an absolute exercise in futility. Irrespective of how openly you might attempt to question the deputy minister, I recognize that you have a deep philosophical opposition to the bill and therefore your questioning, by its very nature, has to be highly charged in a partisan way. I can appreciate that. I don't agree with your position on the bill, but I recognize why you are doing it.

I want to join with my colleague Mr. Riddell on this particular point because I think it is important that you recognize where I'm coming from. It would be so simple for the members of this Legislature to pick up the philosophy you are promoting, which simply states that we should increase the salary levels from 5 per cent to 10 per cent or perhaps 15 per cent or whatever the contracts called for that you are taking such issue with.

If we could do that, it would be very simple for myself and the members of my party to accept that, but it just does not follow. There is a very large difference in what you are promoting as a philosophy and what happens in the real world. Let me tell you what the difference is.



If those wages you are talking about were increased by 10 or 15 per cent or whatever the number might be, and if by some small miracle of economics that immediately increased consumer purchasing power and that immediately corrected the economy, I would stand before you as the first member of the Conservative party to vote in favour of that. That is exactly what you are asking for. You are asking for increases in the realm of 10 or more per cent.

Mr. Cooke: We are asking for what you negotiated--

Mr. Brandt: The very money you are talking about is being extracted from the farmers of Huron, the very taxpayers you purport to represent, and it is being extracted from the unemployed in Windsor, from the steelworkers and the miners who are working in communities like Sault Ste. Marie and Sudbury, the unemployed people. That is where the money is coming from that you are--

Mr. Cooke: Then why did you sign the contract in the first place?

Mr. Brandt: The economy has deteriorated far more quickly than anyone anticipated since the time of some of those signings. You know it as well.

#### Interjections

Mr. Brandt: Bringing the deputy minister before this committee will not solve--

Mr. Cooke: It is a bunch of bunk.

Mr. Brandt: It is not a bunch of bunk. You go to your people in Windsor and tell them that.

Mr. Cooke: I have gone to them.

Mr. Brandt: Well, invite me to go because I would be happy to tell them as well. I will stand before them and tell them why--

Mr. Wrye: Do you want to go and see the teachers next Tuesday?

Mr. Brandt: Yes, I would be quite pleased to. I have met the teachers in my riding on a number of occasions. They do not particularly like the bill, but neither do the workers of my community who have been laid off for a month or two months, which is really quite insignificant compared to what is going on in some communities.

I know you are not going to change your position on Bill 179. I know you are not going to change your position on some of the resolutions and motions you have before us. I can tell you that you are wrong. You are philosophically wrong, you are ideologically wrong, and you will bankrupt this province with the kind of direction you are taking.

Mr. Philip: I would like to address myself to a couple of comments made by Mr. Riddell. One is the assumption that somehow this bill creates jobs. There is absolutely nothing in this--

Mr. Brandt: Nobody said that.

Mr. Philip: On the contrary. What Mr. Riddell and the speaker after him said was that the workers who are out of work would love to have a five per cent increase. What surely is at stake is that they have not been able to prove that this bill in any way will create any new jobs other than one, namely, the bureaucracy that--

Mr. Mitchell: It will protect jobs--

Mr. Philip: If you would like to speak after me, feel free to do so.

Mr. Chairman: Mr. Philip, I did let the last two speakers stray at times from the motion, and I have let you so far, but would you come back to it pretty soon?

Mr. Philip: The question is whether or not we have the Deputy Minister of Labour in. The question we will be dealing with is the whole effect of this bill on collective bargaining in this province. The assumption of the previous speakers is that somehow this bill will create jobs. That is what the Liberals and Conservatives are saying and that is what Mr. Riddell has been indicating, that somehow the farmers in his riding would love to have only a five per cent increase.

9:20 p.m.

Mr. Piché, I noticed, was agreeing with Mr. Riddell, which surprised me. Mr. Piché and I travelled through northern Ontario trying to convince--and I think we did convince, in some cases--some of those northern communities about the value of short takeoff and landing service. But when we met with the executive members of de Havilland Aircraft of Canada Ltd., they said the problem in selling the STOL is not a problem of convincing people that it provides a service, or that it is a good plane, or that they can produce on time, or that they can service that plane, but rather that it is basically a problem of interest rates.

As long as the federal Liberal government has its reactionary Clarke-like policy of high interest rates, they cannot sell airplanes and they cannot create jobs. To bemoan the fact that people are unemployed and would like a piece of the cake, albeit frozen at five per cent, which is better than nothing--Sure, anybody would prefer a job to being on welfare, particularly with the piddling kind of money you can get on welfare in this province. That is not the issue. The issue is whether or not this kind of--

Mr. Chairman: The issue is whether or not the deputy minister should be here. That is the issue.

Mr. Philip: I have not spoken at great length on this bill in this committee other than to ask some questions when the Federation of Metro Tenants's Association was here the other evening. I think I have a right to deal with the points made by Mr. Riddell since he has put them on the record.

Mr. Chairman: No. You only have the right, as we all do, to address yourself to the motion, and that is about the Deputy Minister of Labour. That gives you fair leeway.

Mr. Philip: The Deputy Minister of Labour then would be concerned about the statement by Mr. Riddell--

#### Interjections

Mr. Philip: --that the union hall in the construction trade industry, in the legitimate right to protect its own unemployed members, would not take outsiders until such time as its own people are employed and until they join the union. What Mr. Riddell is advocating is reactionary right-to-work laws similar to what the Republicans have advocated for so long in the US.

That is fine, let him say that. I think he would be very quickly taken up by his Labour critic who is sitting only one seat away from him. Business people in my community understand what this bill does. This bill cuts back on their profits.

I can recall talking to a hairdresser the other day who said, "The uncertainty that is created by the people in my area, many of whom are teachers and are public servants, right now is such they are going into my hairdressing shop once every five weeks instead of once every five weeks because of the cutbacks of the government."

Mr. Brandt: The farmer is not going in at all. That is the reality.

Mr. Philip: And the farmer is not going in at all. I am going to deal with that in a couple of moments if you will just be patient. I am glad you are anticipating the direction I am going. It shows you are paying attention, and I hope you learn something.

Mr. Brandt: I am.

Mr. Cooke: Ever since I walked in, I started listening.

Mr. Philip: As was correctly pointed out, if you cut back on nursing home attendants, if you cut back on teachers--

Mr. Chairman: Order. We have been on the niring halls, the nairdressers, and now the nursing nomes. That is the last time. I think it has been evened out. I let them wander, you have wandered far enough and now you must restrict yourself back to the Deputy Minister of Labour and the motion in front of us. Otherwise, I will call you to order.

Mr. Philip: What I was basically dealing with was whether or not the deputy minister believes, as the Liberal Party seems to believe, in right-to-work legislation.

Mr. Wrye: A point of privilege. It is not the position of the Liberal Party to favour right-to-work legislation. I think the member for Etobicoke knows that and I would ask him to withdraw it.

Mr. Philip: I think the Liberal critic has just censured his own member and I accept that withdrawal by the Liberal Party.

Mr. Chairman: Meanwhile back to the resolution.

Mr. Philip: Mr. Riddell spoke about the farmers that are prepared to take a cut, but the amendments we are moving to this bill deal with that very problem. Farmers are not getting a good deal under this government, and we have asked for over and over again a prices review commission that would investigate--

Mr. Chairman: Order. Mr. Philip, you are through speaking on this. I gave you my instructions before and you disregarded them. It is now Mr. Martel's turn to speak. I call you to order. Sorry, you are out of order.

Mr. Cooke: Can I just ask a question on your ruling?

Mr. Chairman: Certainly.

Mr. Cooke: I would like to know why, when the two speakers who spoke earlier, Mr. Riddell and Mr. Brandt, wandered considerably, you did not warn them once, but that must be the fifth time you warned Mr. Philip.

Mr. Chairman: I stated before that I had let them wander. At the time I said I had also let Mr. Philip wander. I let him wander after that, and he finally came along after the three, with the hairdressers and the nursing home. He is defying the chair; it is as simple as that. I called him to order and that is the end of it. If you wish to challenge my ruling, do so.

Mr. Cooke: Because of your inconsistency in the way you are ruling, we have to challenge.

Mr. Chairman: Once the chair is challenged, the vote must proceed immediately according to standing orders.

Mr. Cooke: Under 89(c) of the standing rules, I call for a 20-minute delay. If you want to rule that way, we will be here until December 1985.

Mr. Chairman: Excuse me, it is not that certain yet. On a challenge to the chair, it is probable but not certain. A challenge to the chair must be dealt with-- Yes, a challenge to the chair can be made at any time. That is fair enough. Twenty minutes. I will interpret the challenge to the chair as being a division. Thank you. You have 20 minutes from 9:28 p.m.

The committee recessed at 9:28 p.m.



9:48 p.m.

The committee divided on the chairman's ruling which was upheld on the following vote:

Ayes

Eves, Brandt, Mitchell, Piché, Riddell, Spensieri, Stevenson, Watson, Wrye.

Nays

Cooke, Mackenzie.

Ayes 9; nays 2.

Mr. Chairman: Thank you. Mr. Martel, you have the floor.

Mr. Martel: I am delighted with this opportunity to speak to this matter after the stern rulings and ruminations of the chairman who handles these things with dispatch. I cannot help but wonder to myself as I listen to the member for Sarnia (Mr. Brandt) talk about saving jobs and how it affects the Sudbury region. With 28,000 people already unemployed in the private sector, I should tell him that in one school sector alone, within the last month some 85 students have moved out.

I wonder what this bill is going to do? I ask the chairman the same question. What is this bill going to do to protect those teachers from the effect of massive layoffs and a mass exodus from the Sudbury area. How is this bill going to save any jobs for those teachers affected by the mass exodus of students. I suggest to you that that this bill will not do what the bill says it is going to going to do.

The position taken by the government is that it is going to save jobs.

Mr. Chairman: I want to remind you of the motion in front of us.

Mr. Martel: Is to get the Deputy Minister of Labour here to talk about how it affects contractual agreements. I would like to know from the deputy minister, as we deal with contractual agreements, how he is going to substantiate that productivity be maintained.

People quoted Sylvia Ostry and suggested that workers have lost the desire to produce. I am hoping that in the contractual discussions which will occur the Deputy Minister of Labour will be able to tell us how the imposition of a five per cent ceiling on wages will do anything to increase productivity under the proposed legislation.

If one wants to look at productivity in Canada and Ontario--and I am one of those who served on a select committee that looked into economic domination--we came to the conclusion,



signed by seven Tories, two Liberals and two New Democrats, that in most plants the workers and Canadian management had no control of the productivity. That decision was based entirely in the United States by the parent company which did not want increased productivity in Canada because it would compete with the parent plant in the United States and also because we have a limited market in Canada with too many companies producing the same products.

Perhaps the Deputy Minister of Labour can tell us how this bill, which restrains wages to five per cent, is going to do anything the member for Sarnia or the member for Huron-Middlesex (Mr. Riddell) said it will do. He might be able to tell us how a freeze on wages is going to have an effect on the productivity of the workers, which would lead to massive productivity and which would lead to more profits and more tax being paid, so we would be out of the bind we are in.

If we had some control as Canadian workers over the amount we could produce, we then might be able to compete in the world market. That decision is not made here. That decision is made in the United States. That is one of the key reasons why this bill is such a phoney bill. It will not increase productivity one jot. The contractual agreements which you are breaking will not change anything in our society--not a blessed thing, I say with the greatest of respect.

It is interesting that the member for Sudbury (Mr. Gordon) has taken three positions on the bill. With regard to contractual agreements, the member for Sudbury's original position was that this bill should not be passed. He said the root problems that led the government to introduce this bill were phoney. He said--and quite rightly so--that the rate of inflation, interest rates and gas costs were what had started this spiral. He said he would come to Toronto and oppose the bill. He came down to Toronto, the Premier (Mr. Davis) leaned on him a little bit, and he then came back to Sudbury and said, "It is going to save jobs and therefore I am supporting the bill." When the unions, because their collective agreements were being violated picketed his home, he said: "Well, it is the rate of inflation. It has nothing to do with jobs. We have got to get a handle on the rate of inflation."

He took three positions on three different occasions. I went down to the television station to dig out his quotes. They are interesting, to say the least. How anyone could have three different positions on the bill is beyond my comprehension.

Mr. Brandt: He is pragmatic.

Mr. Martel: He is pragmatic all right. So is an alley cat. When we ask to bring the deputy minister before us, we want to know how the bill, in violating the contracts which have been signed in good faith, will deal with high interest rates which are the basis of the problem before us. How is breaking contracts going to reduce interest rates?

Mr. Chairman: Mr. Martel, you are going to address the motion?

Mr. Martel: I just mentioned it to you. Let me repeat it again.

Mr. Chairman: There is nothing to do with the contractual agreement--

Mr. Martel: It is to bring the Deputy Minister of Labour before us because we want to talk about the broken contracts and how they will reduce the interest rate. I suspect that is the root problem confronting most small businessmen, most farmers and most home owners who are losing their homes. We have imposed this piece of legislation that is going to extract money from people in order to reduce the rate of inflation. Is that not right? Is that not the tenor of the bill we have before us, or am I not reading the bill correctly?

Mr. Chairman: We are discussing the Deputy Minister of Labour with regard to those aspects of Bill 179 which affect his responsibilities.

Mr. Martel: That is the contractual agreements, is it not?

Mr. Chairman: You are being very repetitious with regard to that.

Mr. Cooke: It takes a long time to sink it through your heads.

Mr. Martel: Where am I being repetitious? I have expanded and gone on. The member for Sarnia and I had a little discussion in the interim. He tried to communicate to me that the problem before us was inflation. If it is inflation, what contributes to inflation or causes inflation? I suggest to you that it is interest rates.

Mr. Brandt: On a point of privilege, Mr. Chairman: If the member for Sudbury East insists upon relaying to the committee a personal conversation, I only have to tell you that the conversation that took place around inflation being part of the problem was only a small portion of that conversation. I would hope that he would tell all the details because I would like the member for Sudbury East to be able to relay--

10 p.m.

Mr. Chairman: Where is the point of privilege?

Mr. Brandt: The point of privilege is that he is using my name and using some discussion that was privileged outside of this committee room and was confidential to a certain extent. I have absolutely no reservations about his relaying the conversation to the committee members as long as he does it in totality.

Mr. Chairman: Mr. Martel, I cannot permit Mr. Brandt to allow you to discuss anything except the motion in front of us.

Mr. Martel: I agree with you because I do not want to discuss his Chrysler New Yorker in here. I do not want to discuss that here. I knew you would rule it out of order and that is why I did not bring it in.

Mr. Chairman: Now back to the motion about the deputy minister.

Mr. Martel: We want the deputy minister here. As I was about to say when I was interrupted, the interest rates which cause workers to demand higher salaries, whose contracts you as a government have broken, is the root problem. The bill does not address the problem in any way, shape or form. Therefore, my considered opinion is that the bill is a total waste of time.

Mr. Chairman: Mr. Martel, that is the last warning I will give you about getting back on the motion.

Mr. Martel: I have been right all along, I have been here too long.

Mr. Chairman: Too long might be correct.

Mr. Martel: I have been here too long to have a rookie chairman rule me out of order because I can bring it back any time you want.

Mr. Chairman: The difference is I do sit here and you do sit there, and those are the realities.

Mr. Martel: And there is a reality that you cannot rule me out of order unless I am out of order. I am talking of contractual agreements and why we want the deputy minister here. We want to discuss with him those things that the bill does not deal with. How you can rule that out of order stretches beyond the pale.

Mr. Chairman: You are doing very well right now.

Mr. Martel: I understand that. I wanted to conclude my remarks by saying we will have the deputy minister before us and he will say that the government is prepared to break contracts. But the government does not want to deal with the gut issue, which is interest rates. They are prepared to put the screws on some of the lowest paid workers in this province.

Somebody on a \$16,000 salary does not contribute to the rate of inflation one jot, and that is where you fellows are wrong. You are wrong morally, and you are bankrupt in terms of policy when you penalize the group which doesn't contribute.

For example, why don't we deal with the group which is heading up this committee to hold wages? They are earning \$200,000 to \$700,000; they are the people who are saying we need this program. They don't contribute to inflation one jot, nor do the doctors, but wage earners at \$16,000, \$17,000 and \$18,000 are contributing to inflation. That is a lot of pay and you know it. Your policy is bankrupt.

Interjections.

Mr. Chairman: Order.

Mr. Philip: Mr. Chairman, the question I want to ask the deputy minister is it seems to me a contract is a contract is a contract. I cannot, for the life of me, understand how the deputy minister, the man who is responsible for the Labour Relations Act, could possibly preside over the breaking of contracts. That, basically, is the guts of what we need the deputy minister here for. He should be here to deal with the problems being created by this. That is all I want to say. By the way, that is all I was going to say when you ruled me out of order before. You would have saved yourself some 19 minutes if you had not done that.

Mr. Chairman: There being no further speakers, the question will now be taken on the motion.

Mr. Cooke: You know what I am going to request Mr. Chairman--clause 89(c), a 20-minute delay.

Mr. Chairman: You have to wait until I get it out of my mouth.

Mr. Cooke: It came as an automatic response.

Mr. Chairman: I have called for the vote on the fourth motion of the New Democratic Party and now Mr. Cooke has requested 20 minutes. It is now 10:05, we will take 20 minutes until 10:25.

The committee recessed at 10:06 p.m.

10:25 p.m.

Mr. Chairman: Gentlemen, the 20 minutes are up. It's 10:25 and all the members are in their places.

The committee divided on Mr. Cooke's motion which was negatived on the following vote:

#### Ayes

Cooke, Mackenzie.

#### Nays

Brandt, Eves, Mitchell, Piché, Riddell, Spensieri, Stevenson, Watson, Wrye.

Ayes 2; nays 9.

Mr. Wrye: I have a motion.

Mr. Chairman: I'm sorry, your motion was received after--

Mr. Wrye: I have a new motion.



Mr. Mackenzie: I have the next motion, Mr. Chairman.

Mr. Chairman: It is the standard practice to take the motions as they're received, in order, and I did receive a written--

Mr. Wrye: If I may speak to that, I've spoken with our House leader and I understand that it has also been the practice over the years to allow the various parties, in some reasonable order, to present their motions. It seems to me we have heard four motions from the New Democratic Party and I have a motion to present. I asked for the floor and was recognized. It seems to me that at this time that it is appropriate--

Mr. Chairman: You were recognized to address the chair, but not recognized for your motion. I don't think I can receive it. The other was tabled first; it was received first. The 10 motions of the NDP were received first.

If you would perhaps discuss it for a moment and tell the NDP what is in it, they might permit it to go ahead. I would also like to discuss whether the NDP would like to receive Mr. Stevenson's motion as to grouping a discussion before they formally get put on the floor.

Does the NDP know what your motion is?

Mr. Wrye: No, they do not. If you would like, I will put the motion on the floor. I will not formally move it, but I will place it before you for discussion.

Mr. Philip: The normal procedure is that motions are in writing and that they're supplied to all parties.

Mr. Chairman: Perhaps Mr. Wrye could advise us what is in it and the NDP might find that acceptable to be put at this point. Might you advise them, or would you wish me to read it?

Mr. Wrye: I can simply read it without formally moving it.

Mr. Chairman: Yes.

Mr. Wrye: The motion would indicate that I move, with the understanding of the committee, that Russell Ramsay, Minister of Labour, will appear during clause-by-clause deliberations of parts I and II of Bill 179, with the understanding that Robert Elgie, Minister of Consumer and Commercial Relations, appear during clause-by-clause deliberations of parts III and IV of Bill 179, and finally, with the understanding that each party shall be allowed an opening statement prior to the commencement of clause-by-clause study, and that this committee do now begin its clause-by-clause deliberations.

Mr. Chairman: That isn't anything like what you just mentioned.

Mr. Wrye: No, this is a new motion, other than the one I have tabled with you previously.

Mr. Chairman: So I haven't yet received it.

Mr. Cooke: We suggest that you proceed. We tabled our motions in good faith this afternoon and had copies prepared for the other parties.

Mr. Mackenzie: I would move our next motion now.

Mr. Chairman: Mr. Mackenzie moves that this committee request that the Minister of Consumer and Commercial Relations (Mr. Elgie) appear before the committee to discuss in detail those aspects of Bill 179 affecting his responsibilities.

Mr. Chairman: I take it, Mr. Mackenzie, you do not wish to entertain Mr. Stevenson's motion.

Mr. Mackenzie: Not at this time. We haven't seen any indication of any support for any of the motions moved as yet.

Mr. Chairman: I'm sorry, Mr. Wrye, I do have to accept Mr. Mackenzie's motion because it was placed in the chairman's hands before any of your motions. That is the normal procedure, in the order that it is received.

Mr. Wrye: If I may, it is my understanding that the procedures of the House with amendments, and presumably the procedures of this committee with amendments, are that the amendments are placed by whichever party is first seen by the Speaker, or in this case, by the chairman. I, quite frankly, see no reason why the procedure should be any different with a procedural motion.

It is fine for the New Democratic Party to suggest that it can table a basketful of motions--

Mr. Cooke: We have a motion on the floor. I think the clock is now past 10:30 and I would like to bring your attention to the clock.

Mr. Chairman: Yes, the clock having been recognized, this committee is adjourned until tomorrow at 10 a.m.

The committee adjourned at 10:31 p.m.

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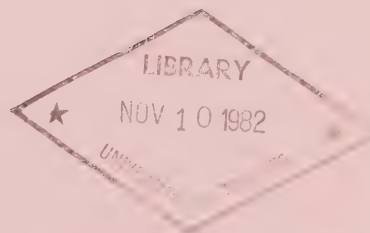
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STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

BILL 179, INFLATION RESTRAINT ACT

WEDNESDAY, NOVEMBER 3, 1982

Morning Sitting



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breagh, M. J. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Elston, M. J. (Huron-Bruce L)  
Eves, E. L. (Parry Sound PC)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Stevenson, K. R. (Durham-York PC)  
Swart, M. L. (Welland-Thorold NDP)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitutions:

Cooke, D. S. (Windsor-Riverside NDP) for Mr. Swart  
Mackenzie, R. W. (Hamilton East NDP) for Mr. Breagh  
Riddell, J. K. (Huron-Middlesex L) for Mr. Elston  
Spensieri, M. A. (Yorkview L) for Mr. Breithaupt

Clerk: Arnott, D.

Staff:

Fader, J. A., Legislative Counsel



LEGISLATURE OF ONTARIO  
STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Wednesday, November 3, 1982

The committee met at 10:13 a.m. in room 151.

INFLATION RESTRAINT ACT  
(continued)

Resuming consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: I see a quorum. Referring to last night, I would like to open by saying that I was incorrect. I have sought advice and, as I said last night, I would look into the matter of Mr. Wrye and Mr. Mackenzie's motions. I was incorrect in imposing upon Mr. Wrye not to place his motion.

We have Mr. Mackenzie's motion on the floor, and it is on the floor. But I was incorrect. The tabling--and I do not like the use of that word--of motions in a group to the chair is no more than a courtesy, the same as to the other parties or to the clerk. It does not take any official status. The fact is that it is given to the chair by courtesy; it is actually the person who gets the attention of the chair first and puts his motion.

That will be it from here on. I do apologize to Mr. Wrye for asking him to decline--and he did--to place it in the form of a motion.

Mr. Wrye: Mr. Chairman, if I can beg your indulgence for a second, I would indicate that you did recognize me last night, but having recognized me, you suggested, as I remember it--members may correct me if I am wrong--that I could not place the suggestion formally as a motion only because you were not prepared to accept it. At that point you indicated you were prepared to accept only Mr. Mackenzie's motion, because it was tabled with the chair. Now you appear to have reversed yourself.

Mr. Chairman: No, no reversal. Mr. Mackenzie's motion is on the floor. I have accepted it; it is the motion. I have simply said that I was wrong and I will not do that in the future. But his motion stands. I made an error, but I am not going to make a second error. It is on the floor. I ask your indulgence and I ask you to please accept my apologies. I hope I am correct more than I am incorrect.

Mr. Mackenzie, would you carry on with your motion?

Mr. Mackenzie: Yes, Mr. Chairman. I will only be a minute or two. My colleague has been more actively involved on the price side, and the effect that this legislation also has or does not have on the price side of the issue is a key one.

More than anything else, if I can ask your indulgence for about a minute, I want to make clear with these motions to the committee--because I understand there was a long discussion last night with Mr. Wells and our House leader over the proceedings and what we were actually after--what we are trying to do here and what we are not trying to do.

What we want, and I hope all members will understand this, is that before we get into clause by clause we have whatever period of time is needed--and I suspect in most cases it is an hour or two that you are talking about, probably a little bit longer with the Minister of Labour (Mr. Ramsay)--where the ministers who are going to be directly affected and where the implications of this legislation are considerable appear before the committee to give what they see as their overview of what will or will not happen, or what the problems may or may not be and allow us to ask a few questions.

Obviously there were some specific areas that I raised in my few remarks in asking for certain people to be before us. I want to make it clear that this is what we were after, not to have them sitting here--because that inference somehow or other seemed to have got to the government House leader as well--all through the clause by clause.

We do want, however, before we get into the clause by clause, a chance to hear from the people who are going to be very directly affected, which I think is essential. All those we have moved so far and will be moving to have before this committee are people who are going to be very much involved and have a very great stake in what happens as a result of this bill. We would like an hour or two to talk to these people, to ask them some questions, to get from them an overview of what is at stake. We do not think that is unreasonable. We think it is almost essential before we get into clause-by-clause discussion of this bill. So I just wanted to make very clear what we are asking for and why we think it is so important that these people appear before us.

Having said that at the moment, other than the comment that it is obvious, Mr. Elgie is going to have to deal with what kind of controls there are or are not and what kind of criticisms are going to result, as we are already seeing happen, in terms of the fact that there is a very definite five or nine or less per cent control on workers' wages. But with a pass-through provision in the prices he is obviously going to have a very difficult role, once again, not over the next few months but over the next couple of years as a result of this legislation, and I think the rationale of having him before the committee is obvious.

Mr. Philip: Mr. Chairman, I want to address myself to the need to have the Minister of Consumer and Commercial Relations (Mr. Elgie) before us.

As you well know, over the last few weeks in the House our House leader and I have been raising a number of concerns about the fact that rents are not covered under this bill. The Minister of Consumer and Commercial Relations started by saying that we have a rent review act and that is sufficient. We pointed out to

him over and over again in our numerous questions that there are large numbers of people who are not covered under the rent review act. As a matter of fact, by the government's own figures--these are as of December 31, 1981, so they are not as up to date as we would like them, but they are from estimates of rental housing stock, exempt from rent control, that we were able to obtain through the Ministry of Municipal Affairs and Housing. The total Ontario rental stock at that time was 1.1 million. The housing stock under rent control was approximately 910,000 to 920,000. The housing stock exempt from rent review was between 185,000 and 195,000.

10:20 a.m.

If we remove from that Ontario Housing Corp. owned and operated and public housing, we have to subtract 84,000. If we subtract the private and municipal nonprofit housing, we are talking about 27,000 subtracted from that. That leaves approximately 72,000 private rental stock exempt from any kind of controls.

If, in addition to that, we add the ministry of housing's approximation of another 11,000 that are not controlled because they are called luxury rental units, we are talking about somewhere between 80,000 and 90,000 units that are completely exempt from any kind of rent control.

We pointed out to the minister that it is preposterous to talk about any kind of price control system without talking about rents. You cannot talk about a rental control system without talking about what you are going to do for those people who are completely exempt from it.

In fact, as the Federation of Metro Tenants' Associations pointed out to this committee, for a very large percentage, about 50 per cent of households, the largest single consumer expenditure is not food and transportation as one might suspect, but rather housing and more particularly rent. We are talking about the major inflation factor. To have those exempt from rent control is simply preposterous. This is what we have to deal with the minister on.

In fairness to the new minister, as I have questioned him over the last few months, and as Mr. Foulds, our acting leader in the House, has questioned him, he has started to move his position. First of all, he has accepted the fact that interest rates are a major problem in inflating a lot of these units, both in those that are controlled under rent review and those that are not controlled.

He has also accepted the fact that there are large sections of the rental stock that are not covered under rent review at all. While it may not seem a lot to you that perhaps 80,000 or 90,000 units are exempt from a housing stock of close to one million, we are still talking about very substantial increases to those people in those units.

In some communities, such as Scarborough, Rexdale and Mississauga, you are talking about a very large percentage of the



total rental stock that is entirely exempt from rent review because that is where the new buildings have gone up. That is where accessible land was available. That is where the rental accommodation is being put in.

Reference to Statistics Canada figures reveals that the portion of income being spent by tenants on shelter has increased since 1975, despite rent review. The increasing costs related to financing and operating and the results of the turnover of building ownership have resulted in very significant rent increases.

The minister argues that rent review is working. To a large extent it is. We would be the first to admit that 80 per cent of all buildings have not gone to rent review, but, in fact, they have accepted the six per cent. I suggest to you that a large section of the market is completely removed from rent control and even to have 20 per cent with fairly large rent increases deserves some looking at, and the minister is starting to move in that direction.

I will give you an example of the effect of those that are not controlled and what it does to people. A recent study in the Oakville to Newmarket-Ajax area says there are 463,000 rental units. Of these, 15 per cent are uncontrolled and 85 per cent are controlled. The average monthly rent for a controlled two-bedroom apartment is \$381, while the rent on similar accommodation for the noncontrolled field averages \$490 a month. So you can see there is a substantial difference between the uncontrolled and the controlled units.

We simply have to have the minister here to deal with that very real problem. There is no protection, no protection whatsoever, for those people in the uncontrolled buildings. They do not have access to rent review. They do not have any way of stopping the landlord from using what we have seen over and over again as the loss-leader technique of making money.

A loss leader, as those of you who have some experience in merchandising or even going to the store and buying know very well, is the idea that you entice people in with a low price and then you hope they will buy at a higher price other kinds of items. That may be fine in a store where a person is attracted by blue jeans that are on sale at \$10 less than they should be and you hope they will buy some shirts or something like that when they are there, because they have the option of either buying or not buying.

But what is happening in the uncontrolled sector is that people are being attracted into buildings when they are first constructed by a fairly reasonable price. They are being attracted from rent-controlled buildings. Once they are in there, then they experience exorbitant kinds of rent increases.

In my riding, on Albion Road, there are a number of buildings that people have moved to from rent-controlled buildings, attracted by the promise of certain luxury items such as squash courts, a swimming pool and air conditioning, and once



they are in there, once they are no longer under a rent control program, then the second-year rents are increased by \$150 or \$200 a month. We have had this experience over and over again.

It is the consumer who is not really being protected and there is nothing under this legislation, because of its exemption, that will deal with that very real problem. We must also look at the fact that certain buildings that are called rent controlled in fact are not controlled at all.

Mr. Chairman: Mr. Philip, I realize the Minister of Consumer and Commercial Relations and rent control certainly are very closely allied, but you are not really addressing the motion, the reasons why we want the minister in front of us.

Mr. Philip: I was addressing it in a very direct way. I was saying that these are the questions the minister has not answered in the House that are directly related to this bill because they are exempt from this bill.

Mr. Chairman: But you are giving us more of a story. It is quite in order to list off those things that you want to ask the minister and that is why you want him in front of the committee, but not really just going on with statements of rent review and the way it is in Ontario.

Mr. Philip: What I am trying to do, and I think it is perfectly in order, is to outline what it is we need to come to grips with under this bill and why it is that the minister responsible for the supervision of these matters must be here. That is perfectly in order. That is what I was doing and that is what I intend to do.

Mr. Chairman: It is very hard to recognize that.

Mr. Philip: I do not know why you find it so difficult to recognize. I recognize you do not represent an area that has a large number of tenants and therefore you may not be as acquainted with rental problems as I am. I recognize that is a possibility. Maybe on some agricultural problems I am not as acquainted as you are. Therefore, if I were in the chair I might find it difficult seeing you talking about the agricultural section, but I can recognize that difficulty. I am sure that--

10:30 a.m.

Mr. Chairman: But talking about the udders on cattle is not really addressing itself to the appearance of the Minister of Agriculture and Food (Mr. Timbrell) in front of a committee.

Mr. Philip: I did not ask for the minister of agriculture. I am asking for the Minister of Consumer and Commercial Relations.

Mr. Cooke: That might not be a bad idea for a future motion. We could talk about other aspects of prices and so forth.

Mr. Philip: What I am dealing with is the very fact

that, in spite of questions in the House, the Minister of Consumer and Commercial Relations has not dealt with these issues and therefore it is important that he be here to address himself to it.

As I was saying, it is not just those that are specifically exempt, namely, the buildings after January 1, 1976, but there are certain buildings that have provincial funding and, more particularly, that have federal government funding, that are called rent controlled buildings under a Canada Mortgage and Housing Corp. program that are completely exempt also from any kind of open public scrutiny as to the finances of the developer and owner and so forth.

I brought it to the attention of the minister that he had some obligation as the provincial minister, even if the federal minister wanted to have behind-doors setting of rents in limited dividend housing developments, to investigate what was going on there and to ask the federal government and, since there are certain provincial funds in there through the ministry of housing, to urge the provincial minister of housing to have open hearings on these.

In fact, this has not happened and all he has done is he has simply said to me, "Talk to the federal government." I can accept that our provincial rent review program is much more open, much more open to scrutiny and indeed much fairer than the kind of behind-closed-doors rent review which the federal government carries on in its Canada Mortgage and Housing Corp. buildings. None the less, that is an issue and that is a whole group of units that are not contained in the figures I have just given you.

We have suggested over the years that rent review must be extended to buildings occupied after January 1, 1976. We were disappointed when in 1977, under the new bill, the Liberals voted with the Conservatives against this. None the less, we still feel it is a valid motion. We can see that the validity of our arguments are such that when I had my private member's bill only a few months ago before the Legislature, a couple of Liberals, including the member for Yorkview (Mr. Spensieri), got up and said that perhaps a mistake had been made by the Liberal Party in 1977 and that perhaps it was now time to--

Mr. Wrye: Mr. Chairman, on a point of order: I draw your attention to the fact that the member for Etobicoke is making a speech about matters which are not affected by this motion. The motion is to call the Minister of Consumer and Commercial Relations to appear before this committee to discuss his responsibilities on the bill. The motion is not to rehash his private member's bill or votes from 1977 or 1877 or any time in between.

Mr. Chairman: Yes, that is quite in order and in keeping with my previous comments to please restrict yourself.

Mr. Philip: I can understand why the Liberals who sold out the tenants in 1977 can be quite sensitive to this. But I am talking about--

Mr. Wrye: You have had it on the record for years. Get on with it.

Mr. Philip: I am dealing very directly with the bill. I am dealing with the fact that the Minister of Consumer and Commercial Relations should be here to explain why these large groups are excluded from the bill, from any kind of price protection.

We have seen over and over again the phenomenon of exorbitant profits being made through speculation in the rental housing market. We have seen them in the sense that--an example I brought to the minister's attention only a couple of weeks ago was the case of Steveston in Hamilton which bought a building with \$37,000 of its own equity. The building was in the vicinity of \$2.5 million. There were actually two buildings on one property. The project was \$2.5 million. Eight months later, it was about to sell for \$4.9 million, giving a net return of more than 6,000 per cent.

The question we have been asking the House is, should that kind of pass-through be allowed? We have been asking if someone who works in a nursing home and whose salary is frozen at \$4.50 an hour by this government, or is allowed a five per cent increase on that, should be paying the kind of increase that my colleagues in Hamilton, their constituents, are facing, namely, 12 per cent one year and 30 per cent the next year, as a result of this 6,000 per cent return on investment.

We have shown, and the economists at the University of Toronto in their studies have shown, that the average rate of return to a landlord in Metro Toronto, if we take into account that return on investment, is in the vicinity of between 20 per cent and 30 per cent. At the same time, tenants are being faced with exorbitant rent increases.

The minister in the House has admitted that interest rates are a major problem. But they are a problem not only in the case where landlords legitimately must pass on a rent increase because a second mortgage is coming due and therefore they have the problem that the mortgage jumps from 10 per cent as I had in one case to 16.75 per cent; more particularly, the most exorbitant cases, the most blatant cases have been the buildings that have turned over four and five times in less than five years. That is the question the minister must address himself to.

We suggest to you that the minister has not come to grips with that. I have asked the minister in the case of Steveston if he did not see something morally wrong in that kind of exorbitant profit while ordinary people are being faced with those rent increases. He muttered something about the private enterprise system. In no other business in the private enterprise system do you have a guaranteed return on investment.

I know of no landlords, except perhaps in a town that may be losing its population--I would admit that somebody could lose money building a building a Kapuskasing where the population may be declining or where the pulp industry is having problems or in



Sudbury, but a majority of apartments in Ontario are in the southern portion of the province, in the Ottawa-Windsor corridor. These people have an absolute guarantee of a return on investment.

As we have shown, in no other business can you be expected to invest only 15 per cent and expect to break even with that kind of very low investment. Yet that is what is happening. Indeed, speculators in the market are investing even less than that. The case of \$37,000 on a \$2.5-million building may be extreme, but we have run into cases where people have actually bought buildings for \$1, and that is going on, and made huge capital gains on that investment.

What we have advocated is a speculation tax to be introduced which would reduce the turnover of buildings. In any business one gets into, one expects to stay more than five years in the business. I know of no manufacturers who expect to get into a business like the manufacturing industry and then sell off in less than five years. What we have advocated is a speculation tax to be introduced on the resale of buildings which occur within five years. That would have a very direct effect. It would mean in very specific terms that it would be unprofitable for landlords to do this.

We are suggesting that the minister must be here because it makes common sense under Bill 179, to introduce that kind of tax. It makes sense to say to people: "We encourage you to invest in private rental accommodation but we are going to discourage you from speculating in it."

10:40 p.m.

We have also suggested that the Residential Tenancy Commission be given the power to do ongoing studies. One of the studies we would certainly want would be on the effect of offshore investment and speculation in the rental housing market. Those of us who have dealt with rent review--and I am sure those who have experience in real estate law, such as the member for Yorkview (Mr. Spensieri)--will agree it is sometimes very difficult to trace the ownership of certain buildings that have their front operations in Vancouver and other cities.

We know when there is a mortgage held in Hong Kong, another held in the Philippines and another in a Swiss bank, that buildings can be exchanged. The mortgage holders can do all kinds of paper transactions that are next to impossible to catch. I suggest the Residential Tenancy Commission and, under Bill 179, the minister must come to grips with this. The commission must be given the power to do the kinds of studies that are needed to find out what is going on.

This government showed some enlightenment in bowing to opposition pressures and in looking at the effect of speculation or offshore ownership of agricultural land. But surely rental accommodation, the housing of people in urban areas and small towns, is essential in the same way the ownership of agricultural lands is. Just as it was important to have those kinds of studies in the agricultural field, it is as important in the second most



essential commodity that most of us have after food--shelter.

We are suggesting that under Bill 179 the minister has to come to grips with that. There is no body in either his ministry or the Ministry of Municipal Affairs and Housing that seems to be prepared to do some serious study of what is happening in the housing market. The most recent example of a pseudostudy was this document turned out by the Ministry of Municipal Affairs and Housing, called The Impact of Rent Review on Rental Housing in Ontario.

The minister, in response to my questions on Bill 179 in the House, said he agreed with our party leader that refinancing and interest rates played a large part in the inflation of the rental accommodation costs. Yet it is interesting to note that in the study of the Ministry of Municipal Affairs and Housing which was released this summer they had fairly detailed questions in the questionnaires sent to landlords about financing and its effect on their business. But the report, which is fairly comprehensive--and which advocates removal of rent review, by the way--does not deal with the actual problems of financing.

One must ask, if the Ministry of Municipal Affairs and Housing is not prepared to do it, then why not have an independent body such as the Residential Tenancy Commission do the kinds of studies that are necessary so that we and the minister can make a reasonable assessment of the problem?

We are not just talking about those buildings that are not covered under rent review. We are talking about the average person's housing costs. For example, in 1981-82 we see that the average rent increases granted under rent review are extremely high. Hamilton, for example, requested a 17.5 per cent increase and 13.36 per cent was granted; Ottawa, 19.37 requested, 16.88 granted; Sudbury, 18.72 requested, 15.89 granted; Thunder Bay, 17.33 requested, 11.68 granted; Windsor 24.25 requested and 17.71 granted. This is in an area that has high unemployment, which is affecting people very directly. In Toronto 13.13 was granted. In Etobicoke and North York 14 per cent was granted.

We can go on and on. What we are showing, though, is that rent increases that have been granted have been far in excess of the five per cent this bill freezes certain people's salaries at.

We have also suggested that certain regulations in this bill be changed to reduce the current level of refinancing costs that can be passed on to tenants. As the chairman will know, a landlord or a new purchaser of a building can pass on the financing of 85 per cent of the cost of that building to the tenants. What we are suggesting--and interestingly enough what the minister himself, after being asked the question in different ways in the House for about two or three weeks, has finally suggested--is that perhaps we should look at that. Perhaps 85 per cent is too much.

You will recall that the Federation of Metro Tenants' Associations, if I am not mistaken--if it is not in their brief, it was certainly in answer to a question I asked of Mr. Dale Martin--suggested that 85 per cent was too high a pass-through;

that if you purchase a business, you are expected to deposit or to pay more than 15 per cent of the cost of it.

To suggest that landlords should be able with 15 per cent or, if you want, with \$150,000 to buy \$1 million worth of building and then pass on the interest on the \$850,000 of that \$1 million in financing costs is extremely high, particularly since there is next to no risk in being a landlord. There are very few bankruptcies in the landlord business.

We have suggested that this be lowered, and the minister has indicated in the House that he has asked the Residential Tenancy Commission to review their guidelines. Surely in dealing with this bill we should know the results of that review, because again this bill, for whatever reason, has excluded rents from its jurisdiction under the price section.

We have also suggested that it is unreasonable to expect the landlord to break even within three years. In most businesses one expects a fairly long-term investment, so we are suggesting that this should be looked at also; and the minister, if I am not mistaken, has given some indication that this will be one other area he would like the Residential Tenancy Commission to look at.

One other thing that is very directly related to Bill 179 and to the price section is that we have seen, and we applaud the fact--and it may be just the effect of the congressional elections in the States--that over the last few months interest rates have been dropping. What has happened, as the Federation of Metro Tenants' Associations pointed out in their brief on October 28, is that those who have mortgage renewals coming up will, given declining interest rates, face increases in their costs of only two to four per cent.

I can give you a very concrete example of what we are saying. A building in my riding was able to obtain a 25 per cent rent increase because its mortgage jumped first from 10 per cent to 16.75 per cent and then on up to the 18 per cent bracket. This fellow quite rightfully chose a one-year mortgage, and I am glad he did.

That building, which was mortgaged for one year at 20 per cent, now will face a mortgage decrease to--well, mortgages now on rental accommodation can be obtained for 14.75 per cent or 15 per cent, the latest figure, which I checked yesterday. Certain banks are perhaps 15.5 per cent; it depends on how much equity the landlord has in the building. None the less, we can say in rough figures that mortgages are at least five per cent less than they were at their peak about a year ago. Yet there is no mechanism for passing that saving on directly to the tenants unless they in turn file.

10:50 a.m.

So you are going to have a system whereby the tenants who faced the 25 per cent rent increase last year are this year going to breathe a sigh of relief when the landlord says he only wants six per cent. But he is getting a windfall profit on the drop in

the mortgage rate.

That rental accommodation, which was forced up in price by high interest rates, is now going to stay up there and, indeed, be increased, in this case by about six per cent every year, despite the fact that mortgage interest rates are falling. I suggest to you that this is something the minister has to look at if he wants in any way to talk about the effect of prices.

Basically what we have here is a wage freeze bill; it has nothing to do with prices. We need the Minister of Consumer and Commercial Relations (Mr. Elgie), because he has to deal with the most essential, highest inflation cost to the average person, particularly in the urban areas in this province.

This minister, unlike the previous two ministers, has expressed some empathy for that problem. Therefore, it is all the more important to have this minister here, because I think he may be willing to move in the direction of doing something. This minister has already indicated that he is concerned about something we have asked for years of the previous two ministers, namely, that something be done about illegal rent increases. So I am saying we should bring in this minister to deal with those.

Take the illegal rent increases, for example. We know that the Federation of Metro Tenants' Associations has suggested that--I believe they have the figure here--an estimated 70,000 rental units have been increased illegally each year. That is what the Federation of Metro Tenants' Associations pointed out on this bill. Now, the minister surely should come before this committee and deal with that.

Mr. Green, who is the chief commissioner of the Etobicoke and York Residential Tenancy Commission, informed me that he knows the landlords who are constantly raising rents illegally.

Mr. Chairman: Mr. Philip, you are expanding now. As an example, you made the statement that there are thousands of rents being raised illegally and that is why you wish the minister here. That is quite proper. But then to go on and discuss Mr. Green and a specific example of illegality is not. It is needless repetition, and it is not speaking to the question directly.

I ask you again not to engage in needless repetition or to refer to matters that were in your private member's bill that have already been decided in the current session or to--

Mr. Philip: My private member's bill has not been voted on.

Mr. Chairman: It hasn't? Then I am sorry; I take that back.

I ask you not to direct your speech to matters other than the question under discussion. You have been going over a half hour now as one of the speakers on a motion that refers to the minister appearing before this committee.



Mr. Philip: Mr. Chairman, what I am trying to do and what the federation did--and you did not call the Federation of Metro Tenants' Associations out of order when they dealt with this and gave those figures--is the fact--

Mr. Chairman: Sir, the Metro tenants had nothing to do with the motion that the Minister of Consumer and Commercial Relations appear before us.

Mr. Philip: But they were dealing with the fact that the Minister of Consumer and Commercial Relations must deal with this problem as part of this bill. I am arguing, Mr. Chairman, that here is the evidence of why the minister must come before us and deal with these, and I am trying to show that I am not fabricating the problem.

Mr. Chairman: Of course. No one is suggesting you are. It is just the expansions and the tangents that are getting away from the motion at hand.

Mr. Philip: What I am trying to do is to present enough evidence to convince my colleagues in the Conservative Party that they should vote for this. The only way I can do that is not just by quoting the federation, which has a vested interest, but also by quoting from other sources that have no vested interest or no particular ideological or political point of view. That is why the quotation I was making from Mr. Green, who is the commissioner, a public employee who is nonpartisan, was an important example. That is why I have used him.

Mr. Chairman: Thank you, no. We do not need examples. When you make the statement, we do not need examples. You will very shortly have the chair ruling that you are persisting in needless repetition or directing your speech to matters other than the question under discussion.

Mr. Philip: What I am saying is that when the chief residential tenancy commissioner is saying that this is a major problem, then I think the minister has to come before us to deal with that problem. The chief residential tenancy commissioner has stated that he figures he catches 10 per cent of illegal rent increases. That is an important problem.

He is also saying it is the same people who are doing it over and over again. We have asked, as has the Liberal Party--I think I heard a question from the Liberals on this--that there be a registry of rents. The minister has indicated that he is prepared to look at that. We want to have the minister before us to deal with that, because that would go a long way to stopping some of the illegal rents and inflation in illegal rents on this. That is a legitimate question that we need to have the minister address himself to.

I am suggesting that the minister should come before us. We have also suggested that there are a number of things the minister can do that were not done in 1977, unfortunately, even though many of the things we predicted in 1977 would happen have happened. Many of the motions that we moved and that were defeated by the



Liberals and Conservatives are now--

Mr. Wrye: On a point of order, Mr. Chairman--

Mr. Chairman: I do not need your point of order, Mr. Wrye. I am sure it is that he is referring to matters that have already been decided by the Legislature.

Mr. Philip: In addition to amending the bill--

Mr. Riddell: Mr. Chairman, when this bill was first introduced, the New Democratic Party implied that they were going to prolong the debate on the bill because they were not happy with it. We did have very lengthy debate in the Legislature. Now we are in committee for clause-by-clause discussion of this bill--

Mr. Jones: Bill 179.

Mr. Riddell: --Mr. Philip was about the first speaker this morning on the bill. He has gone an hour--

Mr. Chairman: Not quite.

Mr. Riddell: Almost an hour. I do not know whether there is anything you can do about it, Mr. Chairman, but I suggest to you that what we are doing is going through second reading of the bill once again. It is unfair on the part of the NDP to waste the time of the committee in the fashion they are doing. Surely there has to be some productivity in this place. I am not prepared to sit here and listen to second reading of the bill once again.

Mr. Chairman: Thank you. Your point is taken. I have already brought up the reference to needless repetition.

Mr. Jones: On the point of order, Mr. Chairman: This is the whole point; we are off talking about another bill. The member is bringing up examples, as you point out. There is redundancy. But most important to the committee is that we are talking about two different programs. We are talking about the rent control program, which we all know is a long-term program. This administered price program is a 15-month program. We are talking about a different restraint program, which has been here since 1975. This committee is here to deal with Bill 179. I suggest we have not only had redundancy but we have also strayed miles from Bill 179.

Mr. Chairman: That I have also pointed out several times.

Mr. Mackenzie: On the point of order, Mr. Chairman: I do not really care whether Mr. Riddell wants to sit here and listen to this, but I submit to you that the issues that are being raised, and being raised in a reasonable way, are very germane to this bill. We raised our concern with the Ministry of Labour not being here and I might point out, for anybody who has not taken a look at it, that is 40 per cent of the workers in Ontario; 100 per cent of the people in Ontario will be affected by the price side, the price restraint or lack thereof.

11 a.m.

There are a couple of key components to this. If we stress a little more the fact that housing, which is now a serious problem, does not get the right kind of control and why and what the minister can do about it, it is equally valid that we bring Mr. Swart in here and do an even longer job on what is happening in terms of prices and what you are going to do about it. We have not done that. We are trying, however, to make a point that this is one of the areas that is part of the package.

Mr. Chairman: And you are saying that Mr. Philip is in order and is restricting his speech entirely to the motion under discussion. I find, as a point of order, that it is a valid point of--I said before, you are getting very close to me calling you to order for the two reasons under clauses 19(d)2 and 3 of the standing orders. Could you please wrap it up very succinctly and straightforwardly, Mr. Philip?

Mr. Philip: If you will give me two minutes, I will wrap it up--

Mr. Chairman: Yes.

Mr. Philip:--but I want to summarize at least.

Mr. Chairman: We do have many more speakers, several from your caucus.

Mr. Philip: If you will give me two minutes, I will summarize and you will not have to face a challenge from the floor, which could mean a very lengthy 20-minute delay.

Mr. Chairman: No, it would just be 20 minutes.

Mr. Philip: I am saying that the Minister of Consumer and Commercial Relations must be invited in here to deal with the very extensive problems we have pointed out that are not covered in the bill: namely, that rents are excluded; that rent review must be extended to buildings built after January 1, 1976; that we are talking about 80,000 to 90,000 units that are presently facing exorbitant rent increases because they are not even covered by rent review. We are suggesting that the minister must be here to deal with the fact that buildings are being speculated in and that turnover is playing a major role. There must be some disincentive, such as a speculation tax on resales which occur within a five-year period, to stop the constant building turnover.

We are suggesting that the minister must be here to deal with regulations to reduce the current level of refinancing costs that can be passed on to tenants. We are suggesting that the minister must be here to deal with the regulations that require increased rents to reflect the higher financing costs, so that those rents that have been increased because of high mortgage rates will in turn be automatically decreased now that interest rates are going down, at least for the moment. We are suggesting that the minister has given some indication that at least he is prepared to look at one or two of those items we are talking

about. Because of that and because he is the minister responsible for Consumer and Commercial Relations, and also for the price side of this bill, he must be here to answer for those.

We are also suggesting there should be a freeze on residential rents until these reforms, which we have suggested and in part the Federation of Metro Tenants Associations has suggested, are implemented, and that rents not be allowed to increase at all until the minister has come to grips with those problems. That is why we need him here to deal with those problems, some of which he has indicated an interest in.

Mr. Mitchell: Just by way of comment: The estimates of the Minister of Consumer and Commercial Relations, as you know, have begun in another committee. Mr. Mackenzie made it quite clear from the outset when and where he wanted the various ministers. I would like to inform the committee that, as the minister's parliamentary assistant, I have been given the opportunity to say the minister is prepared, if he can be excused from his estimates, to be here during the clause-by-clause study of those sections which are his area of responsibility.

Mr. Wrye: The amendment I am now prepared to move is probably made more appropriate by the fact that Mr. Philip, in the last two minutes, summarized what he had taken 40 minutes of this committee's time to do in a speech that some people would call the essence of a filibuster.

It seems to me, and I share the views of my friend the member for Huron-Middlesex (Mr. Riddell), that we are here to get some productivity from this committee on behalf of the people of Ontario. Whether Mr. Mackenzie likes that or not, that is why they sent us down here. They did not send us down here to talk out the clock, ad infinitum.

I would like to ask you, Mr. Chairman, if it would be in order for me to move that the motion be amended by adding thereto, after the word "responsibility," the words, "during clause-by-clause deliberations of parts III and IV of Bill 179, and that the Minister of Labour appear during clause-by-clause deliberations of parts I and II to discuss those aspects of the bill affecting his responsibilities, and that each party be allowed an opening statement prior to commencement of clause-by-clause study, and finally, that this committee do now begin its clause-by-clause deliberations."

If that is not now in order, I will be moving it at the earliest opportunity.

Mr. Mackenzie: Mr. Chairman, I would like to think about that because there is nothing that prevents amendments being moved to that. We could get into an even longer hassle. That really negates what is set out on the table here.

Mr. Chairman: I must rule against it. It has three parts to it. I will rule it out of order as it is. If it had stopped at the end of the first part I would have ruled that it was a proper amendment. But I do not believe it is a proper amendment because



it goes on into different topics, particularly the topic that the clause-by-clause deliberations start now. There are different ways of putting that motion.

I believe it is not proper in that it adds too much. It does not define or enlarge upon or relate directly to the main motion. In this form, I must rule that it is out of order, but I would have ruled it in order if you had stopped at the end of that first part.

Mr. Wrye: I will of course accept your ruling, Mr. Chairman. I would indicate I am serving notice to you and members of the committee that I intend to move a similar motion at the earliest possible opportunity.

May I speak to the main motion? It is one which in the normal course of events we would support. But this motion deals only with the Minister of Consumer and Commercial Relations (Mr. Elgie) and we would wish his appearance before this committee to be tied in with a similar appearance by the Minister of Labour (Mr. Ramsay). Therefore, for the purpose of expediting matters and in order to be able to place our own motion on the floor which will speak to our concerns and our desires to have both of these ministers here at a very specific time, which would allow all committee members the widest possible latitude on the individual clauses, we will simply indicate that we will not support this motion and we will instead move our own motion which will accomplish much the same thing.

Mr. Mackenzie: I will be very brief, Mr. Chairman, but I want to once again appeal to the members on the other side. For whatever reason, we obviously have not been getting through to them on any of a series of rather sensible suggestions.

I want to make the point that I think what is necessary is for the minister to put the clause-by-clause debate in perspective by an overview and we should have the right to ask a few questions that deal specifically with the kind of implications this bill has on their ministry, which should be of concern to anybody who is an elected member of this House.

I also want to point out that while I might feel a little more vehemently about the Minister of Labour (Mr. Ramsay) being before the committee, since as I mentioned earlier 40 per cent of the people in Ontario have some kind of a collective agreement or organization, in terms of prices we are dealing with 100 per cent of the population of Ontario.

11:10 a.m.

While it may not be as immediate and emotional as asking questions of the Minister of Labour, and while I think that may be a more high profile problem than the one we are faced with, certainly we need to have the right to have here the Minister of Consumer and Commercial Relations (Mr. Elgie). He will have responsibility for the price side of the particular bill before us, one half or more of the bill, and that directly affects 100 per cent of the population. It does not make any sense to me that



we do not have before this committee for an hour or two, the ministers who are going to be that directly affected. If we could reach some kind of an agreement, we would have saved a lot of time and we still could if we were to have the four, five or six key people who are going to be affected, each for an hour or two before this committee.

I think it is not good enough to have them here for clause by clause. I do not think you necessarily need them although I have no objection to that either. Before we start clause-by-clause discussion, I sure as blazes want to have some idea as to what they see as the effects on their ministry and the problems they will have facing the people, the pricing or the labour contract situation before we get into clause by clause. I cannot understand why that seems to be such an out-of-line request.

Ms. Bryden: Mr. Chairman, I certainly think there is a multitude of reasons why we should have the Minister of Consumer and Commercial Relations before us when we are dealing with the administered prices section of the bill.

Some of the questions in my mind and in other people's minds are the problems of the criteria that the minister will establish for deciding whether a price is acceptable or unacceptable and should or should not be reviewed. Until we get some inkling of his criteria and also some indication of when the criteria will be released, we really do not know what sort of a price control system we will have. I think it is vital for us to know that when we are dealing with the legislation clause by clause. We may want to write in more specific criteria for the minister as a guidance for him. That is my first point.

My second point is the possibility of public hearings when a price is being reviewed. There does not seem to be anything in the legislation about such a possibility. I always believe that one should not legislate in matters affecting people so closely as a bill of this sort without there being the possibility of public hearings on a given price increase and as to why people think it is excessive or should be disallowed.

Third, is a point that was drawn to our attention by one of the briefs which was not heard by this committee: the submission by Consumers Fight Back. Their brief was presented to us yesterday in written form and I have it in front of me. I certainly think it is a great pity that we did not extend the hearings in order to hear it because it is a very good brief. One of the important points they raise is the question of whether the Ontario Milk Marketing Board will be subject to the legislation. It is not specifically exempted--

Mr. Chairman: Ms. Bryden, before you came in, we had a fairly lengthy presentation from Mr. Philip. We did have a fair amount of discussion about what was needless repetition and about directing one's speech to matters other than the motion. I do have to state that discussing the Ontario Milk Marketing Board, which is under the Ministry of Agriculture and Food, really is not speaking to the motion at hand. I would ask you to please restrict yourself exactly to the motion about the Minister of Consumer and

Commercial Relations and why you believe he should be in front of us.

Ms. Bryden: Mr. Chairman, you are probably right that we should have the Minister of Agriculture and Food (Mr. Timbrell) here to discuss the role of the milk marketing board. It is not clear in the legislation, and it should be clarified.

Mr. Mackenzie: --is it a board or a commission, and are the prices of it part of the guidelines.

Ms. Bryden: Certainly it may be an omission from the bill that there is no reference to the milk marketing board, Mr. Chairman. It is something we will have to look at.

My other examples, I am sure, are in order and are very strong reasons for having the Minister of Consumer and Commercial Relations (Mr. Elgie) here when we deal with the very important legislation in the field of administered prices, and those points were that we must have some opportunity for public hearings and some criteria. We also must have clarified for us what exactly is the role of the cabinet. It appears that the cabinet can set aside anything the board proposes, so one wonders whether the board is anything more than a rubber stamp.

For those reasons I feel that we must get that clarification from the minister.

Mr. Laughren: Mr. Chairman, I am sorry I missed most of Mr. Philip's comments. I thought he would be going on much longer and that I would still be in time to hear most of them if I came in now, but I was in the other committee, on resources development, listening to Mr. Baetz, which is in itself quite a treat.

I wanted to support the motion; and I must say, before I tell you precisely why, that I do not understand why the government members are so reluctant to have Mr. Elgie here. It does lead one to draw certain conclusions that it may not be fair to draw, and perhaps you could clarify that for me.

When we tried to get the Minister of Labour (Mr. Ramsay) here, there seemed to be a feeling that the Minister of Labour would not come, because he could not defend it from a labour relations' viewpoint. From the interests of labour he simply could not defend these actions; therefore, he did not want to be here, and the members of the government did not want to embarrass him or themselves by having him here trying to defend the indefensible.

Now, when we want Mr. Elgie to come here, I think to myself--and this is why I am concerned about drawing unfair conclusions--that perhaps we will draw the conclusion that once again we would be asking a minister of the crown to defend the indefensible with respect to his role in the process. In other words, if the Minister of Consumer and Commercial Relations is to have any credibility in the consumer aspect of his ministry and in the protection of the consumer, will he be able to do that, given this legislation? Would the Minister of Consumer and Commercial



Relations be able to state any kind of defence for the consumer here, or would he be embarrassed? Would he be able to say that those people whose wages are being restricted--expropriated, even, in some cases where contracts have already been signed; their wages are being expropriated, there is no question about that.

If we ever suggested that Inco or Falconbridge could be expropriated without compensation, I can imagine the colourful language the government members would use to describe our intentions or our actions. But when you expropriate workers' wages, somehow that is a different kind of game. And for the minister to be here and be asked questions as to how there is going to be any fairness in a system that restricts the incomes of those 500,000 people, and in some cases expropriates their incomes, and how he is going to ensure that there is fairness and that price increases are also restricted, is it the feeling of the government members that the minister would have a difficult time doing that? Are they worried about the minister being embarrassed or about being embarrassed themselves by his inability to answer those questions? I do not know; I cannot answer that question. But I can tell you that we are led to draw certain conclusions by the actions of the government members in this committee.

If you want to dissuade us from those views or prevent us from drawing those conclusions, you had better get those people in front of the committee and let us have a chat with them.

I do not understand why Mr. Elgie would not want to be here, as a matter of fact, except, as I say, because he would be asked to defend the indefensible from the viewpoint of the consumers of Ontario. A few minutes ago the chairman recommended, albeit obliquely, that the Minister of Agriculture and Food (Mr. Timbrell) should come before the committee as well because of the milk marketing board's role and the monitoring of prices there. It is some turnaround for the chairman to join us in our attempt to have ministers come before this committee.

11:20 a.m.

I did emphasize the word "obliquely." The chairman did not say that the Minister of Agriculture and Food should come here, but he did say that we should not be talking about milk prices, because that is within the purview of the Minister of Agriculture and Food and that if we want to debate agriculture prices, we need to have that minister here and the motion would have to deal with the Minister of Agriculture and Food. I see that my colleague Mr. Mackenzie is writing furiously there. I do not know what he is writing, but I know what I would advise him to write.

Mr. McClellan: We type all our motions.

Mr. Laughren: We type them, yes. So I would urge the government members to reconsider, because there is only one conclusion that people will draw by their actions to prevent the appropriate ministers from coming before this committee. I think you should not be so uneasy about those ministers appearing before the committee. They are experienced ministers; they can handle themselves. They will not embarrass you, I do not think. The

questions we would ask are fairly predictable, I would think, and what is unpredictable are their answers. So I can only assume that you are not worried about the kind of questions we would ask; you are very worried about the kind of answers they would give.

I am sure you would be embarrassed if they sat up there and said: "I am sorry. You are asking me to defend the indefensible." Is that what is really bothering the government members of this committee? They are being strangely quiet in their defence of their position not to allow these ministers to come before the committee, and that, too, leads me to certain conclusions: that they cannot even defend their position to prevent the minister from coming before the committee.

So here we have two cases of the indefensible: first, the minister being unable to defend the indefensible when he appears before the committee, and second, the government members being unable to defend their position to prevent the minister from coming before the committee to attempt to defend the indefensible.

Mr. Chairman: Would you repeat that word for word for us, please, Mr. Laughren?

Mr. Laughren: I think I have convinced you. The first real crack in the government members' armour was the chairman himself giving a little hint there that the Minister of Agriculture and Food should be asked to appear before the committee. I will support that if one of the government members wants to put it in the form of a motion; we would be very happy to support that, but that might be too obvious a reversal of your position, so we will take the cue from you.

Mr. Philip: We would not want to milk the situation.

Mr. Laughren: That's right. So I would urge you, Mr. Chairman--

Oh. Some new government members have just come in.

Mr. Brandt: We heard you were speaking. We did not want to miss this.

Mr. Mackenzie: They were giving Mr. Wrye his marching orders.

Interjections.

Mr. Chairman: Mr. Laughren has the floor.

Mr. Laughren: Thank you, Mr. Chairman. I should tell the members who have just come in that your chairman hinted a few minutes ago that the Minister of Agriculture and Food should be called before this committee, too, because of agricultural products.

An hon. member: We are drafting another motion.

Mr. Laughren: Yes. So I wondered whether or not the



government members might want to enter the debate at this point to defend the chairman's oblique suggestion. If we want to talk about agricultural prices, the Minister of Agriculture and Food is the person to whom we should address those questions.

So I would urge you, Mr. Chairman, by your recent actions to be consistent and, if there is a tie vote, to come down on the side of those of us who believe that people like the Minister of Agriculture and Food, and other appropriate ministers, should come before this committee. I look forward to the contribution by the government members as to why they think the Minister of Consumer and Commercial Relations should not come before us.

Mr. Mitchell: Nobody has said that, Floyd, with respect. He has indicated that he will be here during the clause-by-clause debate for those issues where he is seriously concerned.

Mr. Laughren: Yes, I understand that. Therefore I can only conclude--here I go again making conclusions that perhaps I should not make--the government members will support this motion.

Mr. Mitchell: No one has said that.

Mr. Brandt: There you go. You just lunge forward into the land of make-believe.

Mr. Laughren: I have always confessed that I do make certain heroic assumptions as I go through life, based on information that comes to me. When the chairman indicated that the Minister of Agriculture and Food should be here--he obliquely suggested that, of course--and when you say that the Minister of Consumer and Commercial Relations has indicated a willingness to come, then I think it is only appropriate--

Mr. Mitchell: During clause by clause, yes.

Mr. Laughren:--that we do the proper thing and extend an invitation so that he does not feel he is barging in where he is not wanted. So I would urge the government members to be consistent in their logic and support our motion to have the Minister of Consumer and Commercial Relations attend this committee.

Mr. Chairman: Mr. Philip promised that he had one very small point to make.

Mr. Philip: I dealt with the reasons why, from a consumer's point of view, the Minister of Consumer and Commercial Relations should be here, but I think there is also an argument on the commercial side. Of all the things that the Ministry of Consumer and Commercial Relations does, I think on the consumer side it is not very effective; on the commercial side, it has proved quite effective. In terms of securities legislation and, indeed, commodities legislation the Ministry of Consumer and Commercial Relations has proved quite effective. Indeed, of all the bodies I know of, the Ontario Securities Commission is one of the most effective tribunals I have run into.

I would be interested to know from the Minister of Consumer and Commercial Relations what his feelings are on the breaking of a contract. I had always thought that in a free enterprise system, and I know that Mr. Laughren shares this opinion--

Interjections.

Mr. Chairman: Order, Mr. Philip has the floor.

Mr. Philip: I had always thought that under this government a contract was something sacred and indeed this government, through its Securities Act and through other legislation, has tried to move in the direction of disclosure. It says that if someone is purchasing something, if someone is entering into an agreement, be it to buy stock or whatever, at least there should be disclosure so that the two participants in a contract know what they are signing and that contract will stick and have some validity. That was one of the principles under which the Securities Act was strengthened over the years. It was the value, if you want, in an ordered society of having contracts that stick, that make sense and that both parties who enter into them abide by in a knowledgeable way because of the information provided.

Yet here we have a situation where I am sure Adam Smith, the father of liberalism, would turn over in his grave if he saw the Liberals voting for this. Basically, what they are doing is voting for the breaking of contracts. I thought that the free enterprise system, or the private enterprise system, was based on the fact that when people entered into contracts they kept them. Yet here we have a government that is introducing, through legislation, the breaking of contracts. I think that is the most vicious attack on the private enterprise system, on the whole principle of free enterprise, I have ever seen. I would like to hear from the Minister of Consumer and Commercial Relations his point of view on corporate relations in dealing with the very violations of the free enterprise system this bill is attacking. That is my two minutes, Mr. Chairman. I realize that you, as a lawyer, put a great value on contracts.

Mr. Laughren: Don't muddy the waters.

11:30 a.m.

Mr. Philip: Certain members of this committee who are also lawyers do not keep contracts. I know of one wager, for example--would you believe there is a member of this committee who would wriggle out of a wager on tomorrow night? I will not disclose his name.

Mr. Mackenzie: A \$400 wager.

Mr. Brandt: Is he an Italian?

Mr. Philip: He is a member whose very party is based on the Adam Smith tradition of the value of contracts, the value of their worth.

Interjections.

Mr. Chairman: Gentlemen, Mr. Wrye has the floor. Thank you, Mr. Philip.

Mr. Wrye: Mr. Chairman, during these deliberations I think it is very clear to those of us who hope the process will work in this province that what we have been subject to in the last two days is nothing less than an attempt to grind this committee and this Legislature to a halt.

Mr. Philip: We have not had bells ringing for a few days.

Mr. Wrye: I am not interested in being a party to this kind of process. However, in my judgement and in the judgement of my party, there are certain minimum conditions we believe need to be met. I have indicated in my previous comments that we would be attempting to meet those through a motion. It is now apparent to me that there is not sufficient effort and desire on the part of the government to meet even those conditions we believe to be very reasonable. We had indicated we would not support this motion, in that our motion would accomplish virtually the same thing with respect to Mr. Mackenzie's views that having a minister in during clause by clause would be substantially different from having him in for an hour or two. It was our judgement that in the freest of discussions during clause by clause the problem Mr. Philip has raised in his very eloquent 40-minute address could be dealt with.

However, it is now apparent to me and to my caucus members that the government members are not prepared particularly to accede to our view that the Minister of Labour (Mr. Ramsay) be present. That being the case--and I certainly regret this because I have no great desire, and I believe my party shares this view, to sit here for the next two or three days in procedural wrangling--it is not my intention now, and I hereby serve notice, to move my motion. We have briefly caucused here and as a result of the fact we will not put our motion, we shall now support the motion of Mr. Mackenzie to call Dr. Elgie in, since we will not be putting our own motion during clauses 3 and 4.

In summary, may I just point out to those members behind me and around the table who were asking that I and the members of my caucus--

Mr. Watson: It is called a flip-flop.

Mr. Wrye: --get our marching orders from our House leader and from our whip and we deliberate with them as to what tactics and strategies we should pursue, as far as I am concerned we shall vote in support of this motion leaving open, of course, the possibility that if at some point the motion of which the members are aware is seen to be reasonable to members of other parties, we are prepared at that time to place our motion in the hopes of expediting these procedural matters. Failing that, we will listen with interest and vote as we deem it appropriate on each of the remaining NDP motions, on those motions that we will deem to place procedural matters before this committee.



Mr. Mackenzie: I have two very short comments. One, I thank the Liberal member for at least recognizing that our motions were serious whether he likes our tactics or not. Two, I want to offer a personal apology for suspecting Mr. Wrye's motives in his recent discussions with the Tory House leader.

Mr. McClellan: I am still suspicious.

Mr. Chairman: There being no further speakers we will now have the question upon Mr. Mackenzie's motion, which is the NDP motion number 5.

Mr. Wrye: We will have it about 11:55.

Mr. Chairman: We will come back at 11:54, in 20 minutes.

The committee recessed at 11:34 a.m.

11:56 a.m.

Mr. Chairman: The vote has been called. Yes, Mr. Cooke is here.

Mr. Brandt: Mr. Chairman, I simply would like to indicate that I would like to be recognized after the vote has been taken.

Mr. Chairman: All those in favour of Mr. Mackenzie's NDP motion number five will please answer the clerk.

The ayes are five and the nays are six; so the motion is lost.

Mr. Brandt: Mr. Chairman, I have a motion which I would like to move with the understanding of the committee.

Mr. Chairman: Mr. Brandt moves that the Honourable Robert Elgie, Minister of Consumer and Commercial Relations, appear during clause-by-clause deliberation of parts III and IV of Bill 179, and finally with the understanding that each party shall be allowed an opening statement prior to the commencement of clause-by-clause study, that this committee do now begin the clause-by-clause deliberations.

Mr. Cooke: Mr. Chairman, could we please have a copy of that motion before anything else proceeds?

Mr. Chairman: Will you please supply that to the clerk and he will run off photocopies.

Mr. Mackenzie: I would like to move an amendment, Mr. Chairman. I move that the committee request the Chairman of Management Board also to appear before the committee to discuss in detail those aspects of Bill 179 affecting his responsibilities, prior to clause-by-clause debate.

Mr. Chairman: I must rule that out of order on the same basis that I ruled Mr. Wrye's motion out of order.



Mr. McClellan: Mr. Chairman, on a point of order: I had the opportunity to speak with Mr. Lewis, the clerk of the House, at approximately 10:15 a.m. today. I asked him whether a motion having been moved in this committee, it was in order that an amendment be put to such a motion. He told me it was.

Mr. Chairman: Certainly amendments are in order.

Mr. McClellan: What did you rule?

Mr. Chairman: I ruled that amendment is out of order.

Mr. Cooke: On what grounds?

Mr. Chairman: On the grounds that is not connected nor does it predicate the main motion. It extends off into a new topic.

Mr. McClellan: No.

Mr. Chairman: Excuse me, let me finish. This morning, Mr. Wrye moved an amendment. I forget what it was. I think we were dealing with a motion that the Minister of Consumer and Commercial Relations come before us. Mr. Wrye moved a three-part amendment, the first part of which said something about parts III and IV, and then he went on to somebody else during parts I and II and then to clause by clause. I ruled it out of order and said that if he had stopped at the end of the first clause about parts III and IV, which predicated or was associated with the main motion, that I would have ruled it in order. I ruled it out of order because it introduced a new subject into the motion. It is not a proper amendment.

Mr. McClellan: With respect, leaving aside the question of Mr. Wrye's amendment, the motion in front of us requests the attendance of the Minister of Labour. Is that not correct?

Mr. Chairman: No.

Mr. McClellan: It requests the presence of the Minister of Consumer and Commercial Relations and we are moving that the additional presence of one extra minister be also requested, and that is the Chairman of Management Board. Now that is totally in order. There is no way you can possibly construe that is deviating from the intent of the motion, which is to invite a minister of the crown to appear before us. We are moving an amendment that a second minister of the crown be included in the same invitation. You cannot rule that out of order.

12 noon

Mr. Chairman: Sir, I have ruled it out of order.

Mr. McClellan: ~~Then~~ we will challenge it.

Mr. Mackenzie: Can we have the motion in writing before we finalize this, to take a look at it?

Mr. Chairman: Yes, Mr. Wrye wishes to speak.

Mr. Wrye: Mr. Chairman, if I may speak to the point of order and try to help you in your ruling, I must agree with my friend the member for Bellwoods about my motion and my understanding in your ruling it out of order. Surely this is not an appropriate motion. It has my name on it. One would have thought that somebody could type on the government side.

The motion I moved was in my understanding substantially different, in that my friend the member for Hamilton East (Mr. Mackenzie) moved a motion that the Minister of Consumer and Commercial Relations appear before the committee and, in ruling it out of order, you ruled it out of order because we specified a different period of time than the original motion intended and because it introduced an entirely different matter in that it also provided for an opening statement.

It seems to me the amendment from my friend is in order and that further amendments to require the appearance of other ministers of the crown or other interested parties would also be in order. I really do not want to have to, as we go to every clause in parts I and II, be putting a motion before we begin clause-by-clause to bring the minister in, but I suppose we may have to do that.

If I might suggest to you, Mr. Chairman, I think you should reconsider your ruling, that my friend the member for Bellwoods is entirely correct and indeed the Clerk of the House is entirely correct.

Mr. Chairman: No. I have made a ruling on the same basis as yours, that this is introducing a new subject to the motion and in that way this amendment--

Mr. Cooke: What new subject is it introducing?

Mr. Chairman: A new person.

Mr. Cooke: We had a motion similar to this earlier in the committee.

Mr. McClellan: You cannot rule this way. You cannot get away with this kind of kangaroo behaviour. I insist you stop ruling like some kind of tin pot dictator.

Mr. Chairman: Then challenge my ruling.

Mr. McClellan: I sure will. But I ask you, sir, to consult with the Clerk of this House, who has advised me and he will advise you that this motion is perfectly in order.

Mr. Piché: Mr. Chairman, on a point of order: This committee, which is trying to do a job, will not have to listen to this gentleman--

Mr. McClellan: I don't have to put up with totalitarian behaviour in the parliament.

Mr. Piché: --who has been brought here to talk like that. We don't have to take it. There has to be something in the rules that we can rule about a guy like that.

Mr. Chairman: If you wish to challenge my ruling, you may do so, but I have ruled.

Mr. Cooke: We challenge your ruling.

Mr. Piché: I am still on the point of order. He is completely out of line.

Mr. Cooke: If you think this is going to cut off debate on our motions, you are crazy. There will be 40 or 50 challenges--

Mr. Chairman: The ruling has been challenged.

Mr. Cooke: --and 20-minute divisions on every single challenge.

Mr. McClellan: This isn't some kind of totalitarian state.

Mr. Cooke: I request a 20-minute delay under standing order 89(c).

Mr. Chairman: Twenty minutes will take us to 12:23 p.m.

Mr. Cooke: May I advise you we have 20 more amendments?

Interjection: Every single one of them will be divided if you guys don't want to play ball.

Mr. Watson: Who the heck is not playing ball?

12:23 p.m.

Mr. Chairman: Gentlemen, I see the clock. It is now time for the vote on the challenge to the chair's ruling. All those in favour of the challenge, i.e. stating that the chair was incorrect in its ruling, please reply to the clerk.

Ayes 4, nays 3.

Mr. Chairman: The motion to uphold the chair failed by a 4 to 3 vote. The chair's ruling is therefore overturned and since the ruling was that the amendment was out of order, that therefore means that the amendment is in order. Therefore, the amendment can be addressed, and I invite the mover of the amendment, Mr. Mackenzie, to please address us on his amendment.

Mr. R. F. Johnston: On a point of order, Mr. Chairman: Given that this motion is now in order and the essential ruling by the chair that has been overruled now--I presume your explanation of the ruling was that adding an individual was adding a subject that was not covered in the motion--does that therefore mean other amendments that would add individuals to such a motion would be in



order?

Mr. Chairman: The chair made a ruling. To be consistent, the chair must continue to make that same ruling. I have the precedent of the committee. The committee has overruled me. I am elected by the committee and can be removed by the committee. I am a creature of the committee.

I made a ruling and the committee reversed that. The instructions in a very nontechnical sense are set by the committee. Therefore, in my instructions on similar motions on a similar or the same basis I would have to follow the committee.

Mr. Cooke: Mr. Chairman, I don't know how you feel as chairman but I would find it very difficult if I were you to continue in the role of chairman after a challenge has been upheld.

Mr. Chairman: I find no difficulty whatsoever.

Mr. Cooke: I suggest the way this committee has operated over the past two and a half weeks has not been satisfactory and that it has now resulted in a challenge of the chair that has been upheld. I think you should seriously consider resigning your position as chairman of this committee.

Mr. Jones: On a point of order, Mr. Chairman: That has not been the indication we have received from the many delegations that came in front of us when this committee did as it was addressed to do. I heard a lot of complimentary comments about the way the chairman conducted the affairs of the committee. I notice all the government members supported the chairman in the recent vote--

Mr. Cooke: Perhaps so for obvious reasons.

Mr. Jones: We have had a lot of silly games, and it sounds as if we are going to have some more, but certainly the chairman's behaviour has been supported by a lot of people who came before us.

Mr. Chairman: That is really not a point of order.

Mr. Wrye: Mr. Chairman, I wonder if I may go back and speak to the point of order raised by my friend the member for Scarborough West. What he may have been getting at--and if he was not, let me ask for my own information: we now have an amendment on the floor which adds to the motion on the floor to bring before the committee the Chairman of Management Board. Is that just during parts III and IV, Mr. Mackenzie?

Mr. Mackenzie: I am not sure what the motion actually reads.

Mr. Wrye: Mr. Chairman, now that there is an amendment on the floor to bring one minister in, is it appropriate at this time to move a further amendment to add other ministers or individuals? Or is it your view that we should deal with the present amendment and any other amendments one by one?



Mr. Chairman: The procedures are quite clear, very normal. There is a motion. There can be an amendment to that motion. There can be an amendment to that amendment, and there can be then no further amending. Then there is discussion on each side and you have your votes in reverse order.

Mr. Mackenzie: Can there be further amendments? That is the question, Mr. Chairman.

Mr. Chairman: Certainly. Any motion can be amended by a proper amendment, and any amendment can be amended once more by a proper amendment. That is not different today. That did not start today. It has been so for a long time.

Mr. Brandt: As I understand the question that has been posed to the chair with respect to the amendments, if other amendments include the addition of similar types of ministers, whether they be Labour or Management Board or whatever, the question before us is whether those amendments will be ruled in order. I see nothing inappropriate about the chair, following the direction of this committee, in so doing. And we can vote on the basis--

Mr. Chairman: That is what I have said. That is quite correct.

Mr. Brandt: Just for my own edification, I am--

Mr. Mackenzie: I suggest we recognize the clock and we will return at two o'clock, Mr. Chairman.

Mr. Chairman: Fine. The clock is recognized.

The committee recessed at 12:31 p.m.

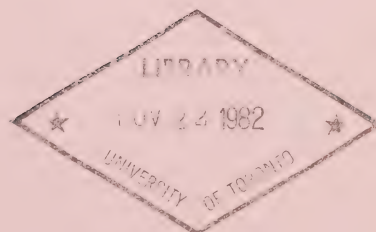


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STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

INFLATION RESTRAINT ACT

WEDNESDAY, NOVEMBER 3, 1982



not, or whether we recess, but we cannot discuss the amendment or the motion until we have something typed and in front of us. We have this crossed-out version of my motion. I think the Tories ought at least to be asked to put their own motion on the floor typed out and that Mr. Mackenzie be asked to do the same with his amendment.

This motion is not my motion; it is a Tory motion and it comes from Mr. Mitchell or Mr. Brandt. I think he ought to present his own. I do not have a copy of Mr. Mackenzie's motion and I have no idea what it says.

2:10 p.m.

Mr. Wrye: My point of order is very simply that he would not be willing just to accept copyright acknowledgment for your work.

Mr. Chairman: Gentlemen, there is nothing to stop that, as we said before. It is strictly a matter of courtesy that things are tight and are tabled and circulated to the other members. If you choose to scratch it out by hand or cross things out on somebody else's, there is nothing in the standing orders to stop it. It simply does not make things very clear. Perhaps the clerk can run off photocopies of your amendments.

Mr. Wrye: I have a copy of my motion as photocopied.

Mr. Chairman: I am sorry, I cannot rule your point of order in order.

Mr. Wrye: Could we then please hear and have it read slowly to us so we may write it down, first from the government members what the motion is and what the amendment is that is on the floor because I frankly do not know exactly what is on the floor.

Mr. Chairman: It is Mr. Brandt's motion: "That, with the understanding of the committee, the Honourable Robert Elgie, Minister of Consumer and Commercial Relations, appear during clause-by-clause deliberations of parts III and IV of Bill 179; and that with the understanding that each party shall be allowed an opening statement prior to the commencement of clause-by-clause study, this committee do now begin its clause-by-clause deliberations."

Then we followed with an amendment by Mr. Mackenzie which has disappeared with the clerk who is getting it photocopied. Do you want to paraphrase it, Mr. Mackenzie?

... proposed that the Chairman of ... should be allowed to discuss in detail those aspects of Bill 179 affecting his responsibilities, and we have now, in addition, amended that to be prior to clause-by-clause discussion.



Mr. Chairman: Now this is a second amendment, the second and last amendment that is permitted under the standing orders under the rules and precedents of the House, namely, that the words "prior to the clause-by-clause consideration" be added before Mr. Mackenzie's first amendment.

It is my understanding, having checked and taken advice, that two amendments only permitted to a motion: a motion, an amendment to that motion, and an amendment to the amendment. That is it. You cannot amend a third time.

Mr. Cooke: On a point of clarification: It is my understanding, however, that if both of these amendments are defeated, the motion is then open to further amendment because there are no other amendments on the floor. I have checked with the clerk on that to get that clarified.

Mr. Chairman: Oh, yes, I would say that is correct. The clerk is now distributing the first amendment of Mr. Mackenzie. You will see I received it at 11:58 a.m..

Mr. Wrye: On a point of order: I would ask the mover of the amendment what his intention is with respect to these amendments and whether it is proper since the addition of the words "prior to clause-by-clause consideration" seems to me to be part of the main amendment, not a subamendment to it. It seems to me that Mr. Mackenzie is simply attempting to clarify--

Mr. Mackenzie: I think it was stated that it was originally voted, but it did not get picked up and I did not jump on it very fast.

Mr. Cooke: So we have decided to move it as an amendment to the amendment.

Mr. Mackenzie: That is it. It has been in all of the others, if you will recall. We are not breaking new ground.

Mr. Chairman: I take it, Mr. Mackenzie, your second amendment is simply that the request--

Mr. Mackenzie: We have no objection to his being here during clause by clause.

Mr. Chairman: The request takes place prior to the clause by clause. Yes, that seems quite clear; the request takes place. Fine. Any further discussion on the amendment to the amendment?

Mr. R. F. Bernatch: Just to be clear on this, I think the subamendment to the amendment, which was introduced because we did not state it clearly at the time, was that we wished the Chairman of Management Board to appear before us before the clause by clause, not that the request should be made by clause by clause. I think that that has to be clearly agreed. It would read, "The committee requests that the Chairman of Management Board also appear before the committee to discuss those aspects of Bill 179 affecting his responsibilities prior to consideration of clause by clause."

Mr. Chairman: In common use of English, that is not what the amendment reads. It reads "prior to clause-by-clause consideration, the committee requests the Chairman, "etc."If you wish to amend it, do so, or delete that.

Mr. Mackenzie: That is the proper amendment, Mr. Chairman.

Mr. Chairman: Fine.

Mr. Jones: Very briefly, Mr. Chairman, in speaking to the amendment to the amendment, I am speaking against the amendment to the amendment. We have had discussion and made early comment in the hearings that it would be advisable to have ministers here from time to time. We talked about Dr. Elgie attending, as you know, but the process that we are anxious to be going forward with is that of clause by clause. I fail to see why the minister's contribution--his comments that would satisfy the questions of the opposition--would be not best and most complementary to run parallel with the clause-by-clause study. For that reason I am opposed to the amendment.

Mr. Chairman: Without nitpicking--and I do not really think it is nitpicking--I think it is your intention, Mr. Mackenzie, that those words "prior to clause-by-clause consideration" really go after the word "appeared" in the third line of your amendment?

Mr. Mackenzie: Yes.

Mr. Chairman: The intent is that the committee requests the Chairman of Management Board also to appear prior to clause-by-clause consideration before the committee. That is what you intend? I guess, since they state that is what they intend, they can take it as so.

Mr. R. F. Johnston: Mr. Chairman, speaking to the point of the member for Mississauga North (Mr. Jones), I think it is useful for the minister to be available to the committee in terms of the clause-by-clause considerations of this committee. It would be very useful if he could be available to us at that time.

On the other hand, I do believe that before we get to the stage of that kind of discussion, because of his responsibility for public service bargaining, it is important that we have him before us to talk about the impact on his responsibilities of the bill as a whole. He may wish at that time to give us some advanced notice of his concerns, or what he agrees with, on any of the particular clauses coming up after that.

I think we were very purposeful in moving the subamendment in that we do not just wish to have him before us during a particular clause-by-clause discussion, as we might come up with a particular concern at that time, but rather that we would like to have the minister here before we move to that section. The motion is very specific in that regard and speaks to concerns that you have heard spoken to for other ministers for other reasons.

It is important to understand, of course, the difference in roles between the Minister of Labour, who has the responsibility for all matters to do with labour in the province, and the Chairman of Management Board, who has specific responsibilities in terms of the agreements that are negotiated with the civil servants of this province. Because this bill affects those people most profoundly and most directly, it would be only appropriate to have him here for some discussion about the philosophy of the bill, the particulars of the bill, but not in the sense that we will restrict it to a particular clause on a particular day. We might want to give him notice later on that we would like him to come back for that kind of discussion. I think the subamendment is very clear in its intent and it only makes common sense that the minister, with that kind of responsibility, should be brought before us.

2:20 p.m.

Mr. Mackenzie: We could probably have done a much better ordering of the work of this committee with some simple common sense suggestions. One would be to allow those people who wanted a hearing and met the requirements to have a hearing and to have had at least three of the key ministers appear before this committee. I think there would have been a much smoother flow of the business in the days to come because I do not think there was anything wrong with any of those suggestions. They were fundamental. In this case, I hope all of the members here and all of the Tory members understand that one of the responsibilities of Mr. McCague as Chairman of Management Board is for those employees who are under the Crown Employees Collective Bargaining Act.

In case you do not know it, that segment of the work force in the province that is going to be affected by the bill directly and dramatically already had lost or did not have the right to strike. That means amongst other things, if you have any understanding of labour matters at all, that there were supposedly certain compensating factors in terms of arbitration and so on because they had never had that right to strike. This is a sizeable group of the employees of Ontario.

It may very well be that lack of the right of arbitration is going to put these people in even more of a bind, although I do not know how much more you could do to workers than you have done by denying them the right to strike and the right to arbitrate in the public sector generally. But certainly they may very well have a double whammy imposed upon them.

The minister also has been the centre of negotiations. We know from questions in the House and from discussing them in the House that the Minister of Labour has been the centre of the negotiations. These employees are covered under the Labour Relations Act. Neither gives them much advantage at this time with the legislation you are bringing in. But there has been a specific battle for these employees to be covered under that legislation. They want to get back some of the rights they are specifically denied, the right to political participation being one of many. That whole question is in jeopardy.



The chairman of Management Board did not say during estimates he was going to move on them, but that he was not tied that tightly to keeping them under the Crown Employees Collective Bargaining Association and not seeing them move. But we also know from discussing the matter with the Minister of Labour (Mr. Ramsay) there has been some hesitation on his part to have employees under that act transferred to the authority of the Labour Relations Act unless he had the total authority. That was always a difficulty because of the Chairman of Management Board's control over this specific group of employees.

There are serious implications for tens of thousands of employees in Ontario that come directly under the responsibility of Mr. McCague as Chairman of Management Board. Surely to goodness, with this bill having the implications it has for workers in Ontario, he should be before us for a period of time--I do not think it would be long--to answer questions that could be asked, such as: How is this going to affect them? Are they losing something they had as a counter-protection for not having the right to strike? What is the overview? What is it going to do? What problems is it going to cause down the road? Does it mean that an effort of many years on the part of these employees to be put in with the mainstream of workers in Ontario and to come under the Labour Relations Act is now down the drain for another two years? Do we have to stop all discussion on that?

There are a lot of questions that need to be answered that are really fundamental issues with these employees of the government. How do we do it? When we are in clause by clause? It may be useful then, but certainly the minister should be before the committee before we are into clause by clause to tell us some of the ramifications. The argument is as valid to have the Minister of Labour before us as it is to have the Minister of Consumer and Commercial Relations (Mr. Elgie), although maybe it is not quite so important in terms of the future of collective bargaining in Ontario. But the Minister of Labour has the entire price side. It does not just cover the 40 per cent of the people who are organized but 100 per cent of the employees of Ontario. So it makes no sense not to have them before us to give us that overview and allow us to ask a few questions so we can see what other implications there are in terms of this bill.

Mr. Wrye: I will attempt to be brief. We will vote to support the subamendment and the amendment as they are now placed. But I do want first to reiterate something I said this morning about the tactics of my friends behind me. They keep suggesting they are reasonable and responsible. I could believe that except the 40-minute speech from the member for Etobicoke (Mr. Philip) indicates they are exactly the opposite, that they really have no intention of being reasonable in any manner in terms of this legislation.

Interjections.

Mr. Philip: You fellows (inaudible) in 1967. I am speaking of 1982.



Mr. Chairman: Continue Mr. Wrye.

Mr. Wrye: I will continue as soon as the interruptions are finished.

Mr. Chairman: Would you restrict yourself to the amendment. Thank you.

Mr. Wrye: I would also say to the government members that surely they should be aware by now they simply are going to prolong these hearings far beyond any length they would have been otherwise if they do not accept it as reasonable that these ministers, who are profoundly affected by this legislation, come in at some point. I am not married to the idea of their coming in prior to clause by clause. I understand what my friend Mr. Jones suggests. We have suggested in the past that the Minister of Labour come in and the government has said no. We suggested that Dr. Elgie come in, since he is actually going to be running the price side of the bill, the government, in its great wisdom, has been reasonable and said he will be here for that.

Now we have suggested that the Chairman of Management Board (Mr. McCague) be here and I think that is a reasonable suggestion. The government members, I am sure are aware, since they have had them since yesterday, that we have placed before the committee a large number of amendments, many of which deal with our very real concerns about the effect of this legislation as it now stands on collective bargaining in the public service. I think it is more than reasonable to ask that the Chairman of Management Board be here to offer us his perspective of the effect, not only of the present legislation but whether we might overcome some of the very negative impact of the legislation with some of the amendments our party is offering.

If the parliamentary assistant to the Treasurer wishes to add to the motion that the government will allow the Chairman of Management Board to come in during clause by clause and to write that in, then, as I said, I am not really concerned whether he comes in prior or during. But as I read the motion now we have nothing. I

think it is incumbent upon the government members to begin to understand it is a very reasonable suggestion that they appear during our deliberations in this committee. Otherwise, to a great extent they are making a mockery of this committee process.

Mr. Mitchell: Mr. Chairman, I do not wish to raise the ire of the members of the New Democratic Party. I think they are quite honestly following the convictions they have about this legislation and, as such, I think the amendment they have put forward is in line with the policy they have enunciated. So I cannot take exception to that. However, frankly, in the discussions that have gone on with regard to this amendment and other amendments, the whole process leaves me somewhat disturbed.

I think we made it quite clear on this side, since the issue was raised about the public hearings, we were quite prepared for them to continue. But I think we had a legitimate request that along with that we have some time frame established for clause by clause. I do not think it was an untoward request. That was refused. We now have a situation where the New Democratic Party members feel it necessary to go into delaying tactics. I frankly suggest they are causing a delay in the clause-by-clause study of the bill and this in itself is doing a disservice to the very people they are hoping to respond to. Those people out there will not know as long as this continues whether some of their concerns are being addressed in the clause by clause and whether the bill can be resolved at least to a point where it is acceptable to all.

We have attempted to do the best we can to meet certain requirements. Unfortunately, they have put themselves in a position of delaying it so that the worker does not know what he is facing. We have tried to recognize that concern and I just regret we have reached that point in our deliberations.

2:30 p.m.

Mr. Jones: In answer to Mr. Wrye's question, certainly the government wants to be responsive and reasonable. Earlier we did have a comment by the Treasurer (Mr. F. S. Miller) that as things proceeded ministers or deputy ministers might be made available if it would be helpful to the process. Here we are prepared to go into clause by clause but we really are having quite a game from the other side.

Late yesterday afternoon the NDP members clearly said they wanted a whole array of ministers. It is safe to say this legislation probably touches on almost every minister of the crown. But the bill is being carried by the Treasurer, a senior minister. There was a comment about Mr. Elgie attending because of his rather large responsibility for a big section of this bill. None of that has changed except now it looks as if we are into delaying tactics.

We hear about things being unreasonable, but certainly on the government side we feel that is exactly what we are being confronted with--not a real sincere desire to get on and hear what the amendments might be that the government may have to propose, to get on with the clause by clause and have those that may come to attend with us from whatever of the ministries. Instead, we see a little gamesmanship of trying to play down whoever does come. The list we heard yesterday of who was wanted sounds as long as one's arm and back again.

I would hope members would agree that we have the spirit that we would really get on with the job we were given to do and forget all the procedural fencing.

Mr. Mackenzie: I would like to make it clear that if this committee were to hear the remaining number of people that had submitted briefs within the deadline and have been denied a hearing, and if it were to meet the requests--there are all kinds

we could add--for the three ministers whose role is absolutely vital and two others we think should appear, the procedural wrangling would end at that point. We would get through that probably in a week or four or five days at most of hearings and possibly a day or two with these ministers before us. They all have a key role to play in the future of the province as a result of this legislation. At that point we could proceed with the clause by clause.

In reply to Mr. Mitchnell, unless there are more Tory amendments to come than those that have been filed, we see none that even comes close to making substantive changes in this bill. If that is to be the carrot, it is not worth the paper it is printed on. We know we are not going to win every vote on these issues, but we already know there is nothing substantive in the Tory motions.

That makes it even more important that at least the people who did not get a chance to be heard before this committee are heard and also the key ministers who are going to have to answer for it three years down the road--the Minister of Labour, the Minister of Consumer and Commercial Relations and the Chairman of Management Board. I also would hope Miss Barnes, although that is not nearly as vital, and Mr. Biddell would appear before the committee. That is what we want. We want to know what the implications are. I think that would probably only take a couple of days before we started clause by clause, but that would resolve the procedural hassle in a hurry.

Mr. Wrye: Just very briefly, in response to Mr. Jones' comments, I want to remind him again of the comment made by his minister on Tuesday, October 19, and I will read it into the record again. "There will be times when my parliamentary assistant Mr. Jones will be here"--and I will agree that he has been here quite regularly--"particularly if cabinet needs me for budgetary matters"--and I want to emphasize this--"and there will be times when I would suspect, with your concurrence"--that is the concurrence of the committee--"another minister, such as the Minister of Labour, could represent the crown."

The point is we have not seen the Minister of Labour; he has not been here to represent the crown. The member for Hamilton East (Mr. Mackenzie) has suggested in a motion that he come in prior to the committee. I have suggested in my motion, which was never presented but it is obvious it was there because you have just used it and crossed it out, that Mr. Ramsay come in, and yet he has not come in.

Mr. Chairman: Mr. Wrye, I think in fairness, if you read back, my memory--I haven't looked at Hansard--tells me the Minister said those things in response to Mr. Mackenzie's motion--I believe it was by Mr. Mackenzie, it could have been Mr. Cooke--

Mr. Wrye: It was Mr. Mackenzie's motion; you are right.

Mr. Chairman: --and it was said in a way with a view to Mr. Mackenzie withdrawing his motion. It was put in the frame,



without saying so, "If you withdraw your motion, I will consider these people coming in," and so on. At that point, I asked Mr. Mackenzie if he would withdraw his motion. He refused, and I forget what happened then; perhaps we had a vote or whatever. It was stated in a certain context and I think you should read the part leading up to it.

Mr. Wrye: I am not taking anything out of context at all, with respect. I am simply suggesting that at some point along the way, and it was very early, the Treasurer saw no reason why the Minister of Labour shouldn't come in. Now, all of a sudden, we are faced with a government which says none of these ministers is going to come in except Dr. Elgie and he will come in for clause by clause.

I really wonder what the government is about. Surely we should be able to question these ministers. I just used that example to point out to Mr. Jones that the Treasurer said one thing and now the government members on this committee, obviously on instruction, seem to be trying to do another.

Mr. Philip: Mr. Chairman, I think we have asked for some fairly common sense reasonable things. We have tried to present the case of why three ministers, in particular, should appear first. Sure, Mr. Riddell was right in saying that all the ministers are involved in one way or another, but we have zeroed in on three ministers who we feel should appear for a short time to answer questions on the implications to their ministries--the Minister of Labour, the Minister of Consumer and Commercial Relations and the Chairman of Management Board of Cabinet.

We have called for the hearing of those people who have gone to the trouble of making preparations to appear before this committee and have not had the opportunity to do so. I do not think that is unreasonable.

Some of the members of both the Liberal and Conservative parties have indicated how they feel about what we are doing. One used the word "gamesmanship" and another expressed his righteous indignation. But we are not walking out of this House and we are not having bells ring for days on end. We are using a democratic process, the only one open to us when a majority fails to be sensitive to the needs of a number of people who have prepared briefs and to the needs of this committee.

All of this can stop the moment the Conservative members become sensitive to those needs.

Mr. Chairman: Thank you, Mr. Philip. I am surprised, Mr. Philip,

~~Mr. Philip~~: I am pleased to hear both Mr. Mackenzie and Mr. Philip imply we are engaged in some game playing.

Mr. Philip: On a point of order, Mr. Chairman: Mr. Riddell obviously doesn't hear very well. Maybe he should have his aid turned up or something. We did not say that; we said the very opposite.



2:40 p.m.

Mr. Riddell: Mr. Mackenzie indicated that had we spent three or four days listening to the 40 presentations which were not heard during the regular hearings, we would not have the existing wrangling. It appears to me they have made up their minds that they are going to spend those four days playing these little games because we did not take four days to hear the other 40 presentations.

I would suggest to the Conservative members that they make some compromises on some of these demands or this game playing is going to go on. We are asking for the Chairman of Management Board to appear before us. I would support that because I really think he could handle himself in this committee.

I can fully understand the reason the Conservatives are trying to protect the Minister of Labour. We know the NDP for some time now have been sharpening their nails and polishing their fangs, ready to swoop down and do a real dissection on the Minister of Labour. I believe that.

I do not really think they have the public sector at heart; they just want to see a real blood bath by having the Minister of Labour come in here. If they had the public at heart, they would suggest that we get along with the bill and try to amend it so we could make it more fair and equitable.

We know what the NDP are up to; it is their style of doing things. Unless you people are prepared to make some compromises on their demands, we are going to continue hour after hour in this committee going through this political wrangling.

Mr. Philip: On a point of information, Mr. Chairman--

Mr. Chairman: There is no such thing as a point of information.

Mr. Philip: On a point of order, Mr. Chairman--

Mr. Chairman: It had better be a point of order.

Mr. Philip: It was on Sunday, October 31, that my fangs were out--

Mr. Chairman: That is not a point of order.

Mr. Philip: Mr. Riddell has nothing to fear, nor the Minister of Labour.

Mr. Foulds: Thank you, Mr. Chairman. I have always assumed that debate was important in a parliamentary democracy. One of the great disappointments to our party was that at least two of the key ministers who are fundamentally affected by this legislation, and whose ministries and responsibilities are fundamentally abrogated by this legislation, have not participated in the debate. That did not happen on second reading.

Neither the Chairman of Management Board nor the Minister of Labour entered the debate on the principle of this bill. I think that was an abdication of their responsibility. If we had a government worthy of the name, that had any sense of responsibility and democracy, they would have participated in the debate. All we got during question period, which as you well know by your knowledge of the rules is not a debating period, from the Treasurer, from the Premier, from the Chairman of Management Board and from the Minister of Labour, when we asked questions about the implications of this legislation for their ministries, for their responsibilities, was simply stonewalling.

The only way we, as an opposition, can get the information we feel we need, the workers affected need, and the public out there in Ontario need, is to have these ministers before this committee. I don't consider that to be playing games. I don't consider opposition in the sense of a parliamentary democracy to be playing games.

I see that as a fundamental right and a fundamental freedom. If the only weapon we have in this Legislature is to move procedural motions to get those ministers before this committee, then, by God, we are going to do it. That is our role; that is our responsibility. That is not game playing; that is deadly earnest politics, and politics in the best sense of the word, the parliamentary sense of the word.

I resent any implications that are being thrown at the members of my party in this committee by the government or by the so-called official opposition that we cannot "get on with the job and get this bill passed." We in this party are fundamentally opposed to this bill. We believe this bill is wrong; we believe it abrogates rights that people have fought for 40 years in this province to get. When you have that kind of thing cutting across the democratic rights of workers, we are not about to surrender in any kind of camaraderie in this thing we call the club of the Ontario Legislature.

I want the other two parties to understand that this is not playing games; this is not a club. This bill affects the rights of individual workers; it does nothing to protect the public out there in terms of prices and we resent this legislation in the strongest possible terms.

When I did the leadoff on behalf of my party on this bill on second reading, I said we would fight this bill with every parliamentary device at our disposal and, frankly, we are doing just that. We are not ashamed of it, we are proud of it, and we will continue to do it until the public can be fully heard before this committee. These ministers are brought before this committee to answer for their responsibilities.

Mr. Chairman: That being all of the speakers to the amendment to the amendment, we shall proceed with a vote on the amendment to the amendment.

Mr. Mackenzie: Hold on, Mr. Chairman, I would ask for the members to be called in.

Mr. Chairman: Twenty minutes, I would assume, Mr. Mackenzie?

Mr. Mackenzie: Twenty minutes.

Mr. Chairman: It is 2:46 now. We will take the division at 3:06.

The committee recessed at 2:46 p.m.

3:07 p.m.

Mr. Chairman: Gentlemen, it is actually 3:07 p.m. Shall we have the vote, the division?

The committee divided on Mr. Mackenzie's motion which was negated on the following vote:

Ayes

Cooke, Mackenzie, Riddell, Sweeney, Wrye.

Nays

Eves, Jones, Mitchell, Piché, Stevenson, Watson.

Ayes 5; nays 6.

Mr. Wrye: Did I not hear Mr. Brandt's name called on that vote?

Clerk of the Committee: That was a mistake.

Mr. Mitchell: You are correct. You did hear Brandt's name called.

Mr. Wrye: That was a slip of the tongue? We just wanted to make sure the Tories did not have eight instead of seven. That is all I wanted clarified.

Mr. Chairman: Mr. Cooke moves an amendment to the amendment that would be worded as follows, "The amendment be further amended by requesting that Sally Barnes, chairperson of the Ontario Status of Women Council, appear before the committee prior to clause-by-clause deliberations on Bill 179."

Where are you putting that in?

Mr. Cooke: An addition on to the amendment.

Mr. Chairman: So it means the amendment is that the committee requests that the Chairman of Management Board appear before the committee also to discuss those aspects of Bill 179 affecting his responsibilities and--

Mr. Cooke:--that the committee request Sally Barnes, chairperson of the Ontario Status of Women Council, to appear before this committee prior to clause-by-clause deliberations on Bill 179.

Mr. Mackenzie: We are just trying to speed it up for you.

Mr. Riddell: On a point of order: What is the correct parliamentary procedure? I was always of the understanding that when there is an amendment to an amendment to a motion, you vote on the amendment to the amendment. If that loses, then you vote on the amendment. If that then loses, you vote on the motion. Now why are we entertaining another amendment?

3:10 p.m.

Mr. Chairman: Mr. Riddell, I would have thought that also, and I have taken advice that this is correct. That is why I checked it just a moment ago.

Mr. Riddell: What is correct?

Mr. Chairman: The NDP procedure is correct. I questioned it because it is a little unusual. I understand that as many amendments to the amendment can be made as they want. As soon as one is defeated, then amendments to the amendment can continually be put. I am also, like you, a little surprised. I would have assumed that you would have carried down--

Mr. Riddell: I guess parliamentary procedure changes as time goes on.

Mr. Chairman: I have taken advice on the question.

Mr. Wrye: Could I then get an interpretation from you on when we come to the point where the subamendment is voted on and then the main amendment is voted on? At that point, are we left only to vote on the main motion or may a new amendment be then offered?

Mr. Chairman: The latter is accurate.

Mr. Wrye: In other words, we can go through the subamendment procedure and get to the point where the only motion on the table is the main motion and at that point a new amendment may be offered?

Mr. Chairman: That is my understanding.

Mr. Wrye: Thank you.

Mr. Cooke: Mr. Speaker, may I speak very briefly to my amendment to the amendment?

I would like to see the Bill as a whole and not just the part that deals with the amendment that Bill 171 means to the working women of this province in terms of equal pay for work of equal value and progress towards that goal.

We have had enough testimony that has indicated the spread between men and women working for the civil service will increase



by over \$300 because of this legislation. We have had testimony that has indicated very clearly what the percentage approach to this wage legislation means for the wage disparity between men and women in this province.

I think that it would be more than just a bit appropriate that Sally Barnes, the chairperson of the Ontario Status of Women Council, appear before this committee to explain her feelings and the feelings of the council on this legislation, and whether or not the testimony that we have had before this committee can be confirmed by the council. I know that the Liberal Party will no doubt support this motion because they had a similar motion that they had placed before the committee earlier.

I think that there are many injustices in Bill 179, but this is probably the one that stands out in the minds of many people on this committee and certainly within our party, namely, what effect Bill 179 is having on working women within the public service, on women who, by and large, work at the nursing homes in the province and are already lowly paid. We had testimony from the Christian Labour Association of Canada, which is not exactly a radical union within this province, but which was very upset about the effects of the bill on women that work in the nursing homes they represent.

We had presentations by OPSEU, which went through the collective agreements and gave testimony that at the lower income levels the percentage of employees who are women are about 85 percent and they are being hit the hardest by Bill 179. We had testimony from CUPE on the hospital workers' situation and what effect the bill will have because a large number of employees in the hospitals of this province are working women who will be hit very hard by this bill.

I would hope that as one of the first signs of this committee's deciding to come to some agreement as to how it can proceed from here on in, the Conservative members of the committee will accept this motion so that the clerk this afternoon can make arrangements for Sally Barnes to be one of the first witnesses to appear before this committee.

Mr. Riddell: Mr. Chairman, can we say that there will be 20 minutes for a vote after each one of these motions are put?

Mr. Piche: I think there will be but you can't assume that.

Mr. Riddell: When are we going to establish that? Some of us do have to make use of our time.

Ms. Wrye: Very briefly, I would hope that my fellow committee members would extend to me the same courtesy if I make a phone call.

I will be very brief. The member for Windsor-Riverside (Mr. Cooke) has pointed out that we put an earlier motion to have Sally Barnes come before this committee and testify on the impact of this legislation on working women in the public sector. It is an

area that bothers us deeply, and I think it should bother any committee member who listened to the two weeks of testimony as I did almost in its entirety. It is one of the areas that gives me the greatest amount of concern, and I think that some of our concern is reflected in the amendments which we will be offering. Without further ado, may I simply say that our party will support this motion.

Mr. R. F. Johnston: It strikes me that both the Liberal Party and the New Democratic Party have already seen how important it is to have addressed the matter of the special kinds of injustice of this bill in terms of the way it affects women and feel that the woman who is now a pre-eminent in the field, by her appointment at least, Sally Barnes, should be brought before this committee to deal with those aspects of this bill.

In my view, the measures are so repressive and so offensive to the action that has been taken over the last number of years, even in the sporadic and often ineffectual way that it has been undertaken, to improve the lot of women in the work force, especially in terms of equal access to employment and equal pay for the work they do in terms of the comparison to men.

As we have heard many times in the House, women receive only a small percentage of what men receive, something like 60 per cent in the organized sectors. Because of its very nature, this bill will effectively impede the progress of any kind of equalization of those women's chances in the work force. The ministries for which I am the critic, the Ministry of Community and Social Services and the Ministry of Health, are two ministries where one can see particularly the effect on women workers in this province of this legislation as it exists today.

I think of day care workers in this province who, if they are organized, are often lucky enough to be earning \$11,000 to \$12,000 to \$15,000 a year. If they are unorganized, as the vast, vast majority of them are, they earn more like \$7,000 or \$8,000 a year. Any hope of redressing the amount of value we give to those jobs in terms of looking after the young children of our society in Ontario will be lost if this legislation proceeds.

It is absolutely clear that the vast majority of workers in nursing homes, as referred to in the legislation and as all of us know who have nursing homes in our area, are women. Those at the lowest ranges of skill are definitely women, and they will be impeded in terms of their capacity to get meaningful compensation for the work that they do.

We have seen already what has happened to hospital workers. The vast majority of them are women. We have seen already the way in which they have had to fight, and now some of them are going to be kept for as much as another two years by this legislation as it exists. Again, most of those people are women.

I would say that one of the crucial aspects of all this, and why Miss Barnes should be here, is to deal with this whole notion of the lack of protection for women workers, even those who are

recipients of funding from this provincial government. I am thinking specifically of the huge numbers of these women who are unorganized. The vast majority of these women, who are in receipt in one way or another of government funds at levels of pay which are much lower than any of us would want to see anyone having to accept, are not even protected by unions. These people will be at the whim of their employers under this legislation. It will be for them to decide that they are not even eligible for the five per cent; that for some reason or other the costs of the nursing home are just too high and they can't ask for that much money, and they can go to the review board on this.

3:20 p.m.

We need to have Ms. Barnes before us to tell us how she thinks this is going to impact on what, hopefully, was one of our major goals of social change in this province, that is, providing equal economic opportunity for women in Ontario. We can look at all of the other effects in terms of unionization and the rights of collective bargaining which have already been raised, but the very important aspects of the rights of women to economic independence are effectively held back by this legislation.

I was on the family violence committee, and one of the major causes of women staying in homes where they are assaulted is that they don't have the economic independence to be able to extricate themselves and their children. The kind of attack on women that is involved in this legislation is something that needs to be addressed and should be responded to publicly and before this committee, in general terms as well as in clause by clause, by Sally Barnes. That is why I think this motion is exceptionally important to us.

There is just one other item, if I may, in terms of the effect and impact of this program on affirmative action workers, on employees in the ministry and in the LCBO at the moment. In spite of frequent hiring freezes and various other things, various elements of the civil service have been trying to insert women into roles of more power in the civil service. They have been already frustrated in that process, and I would suggest this legislation is only going to add to that frustration. This is going to hurt.

What are they going to do for the next couple of years? They are not going to have, in my view, much of a role to play. I would hope Miss Barnes would be here before us to talk to those kinds of things in a general way, not just in terms of a specific clause. However, if she has some recommendations on ways this bill could be changed, we would all be interested in hearing them. I am surprised we have heard nothing from her as yet, as a matter of fact.

Therefore, I support this motion and would hope the members of the government party would also feel it would be appropriate for her to appear before us because of the major impact on the women of Ontario.



Mr. Jones: Mr. Chairman, I find we are still going through this procedure of delay, and I speak against the amendment.

The comment about Sally Barnes and the comment about how--as Mr. Johnston in his most recent remarks chose his wording--she should be "brought before" is the type of thing we have heard from committee members, particularly of the NDP. They have wanted to go out on the streets and drag people before this committee from here, there and everywhere. It has been open to--

Interjection.

Mr. Jones: Well, it was the kind of comment we last talked about with respect to Sally Barnes and others. We have heard this type of comment and the suggestion that summarizes this bill as an attack on the rights of working women.

I don't think this is a forum for us to go into a litany of the affirmative action this government has led the way on for women, and it is not the intention of this bill to single out women. The bill affects women equally with male members of the civil service. We continue to hear this comment that somehow or other women are singled out.

It was pointed out that there are more women at the lower of the salary wage scales, and that may be so. But this government also acknowledged and recognized that in the legislation, and that is how we came to have the notching provision.

I know we have heard allegations that other safety matters, such as the video display terminals and other things of that nature, are going to be somehow or other forestalled with the implementation of this legislation. That is not the intention. I do not think this is the place for that debate or the pretence that Sally Barnes coming here is somehow or other going to make the difference in our consideration of this legislation.

Mr. Chairman: What did you have, Mr. Johnston? You wanted to speak again?

Mr. Johnston: Yes, later on. Mr. Jones just reminded me of an aspect of this that I forgot.

Mr. Chairman: Mr. Jones, are you--

Mr. Jones: Oh, that's fine. We have been hearing it over the days and weeks.

Mr. Wildman: I listened carefully to Mr. Jones' presentation. Although I wasn't present for all of the presentations that were made to this committee by the deputants who were given the time to appear, I did hear quite a large number of them. I must say some of the most eloquent ones were ones which were presented by people on behalf of women in the public service.



Of all the presentations I heard, many of which were most eloquent, I think one of the best ones I heard was one presented by Kay Sigurjonsson, among others, for the Federation of Women Teachers' Associations of Ontario. She stated their federation represented a relatively affluent group of women in this province when one considers what women are generally paid in the work force, keeping in mind that only about four per cent of their membership makes over \$35,000 a year. She and her colleagues were appearing before the committee, not only on behalf of their own membership but on behalf of those women in the work force who aren't making as much money as teachers generally, but who are going to be affected most adversely by this legislation.

She pointed out that women generally make about 60 per cent of what men make in our economy. A higher percentage of the people affected by this legislation are, in fact, women, and in that sense this bill is sexist legislation and an attack on women. I'm surprised Mr. Jones would discount that. That was a most reasoned, calm and sensible presentation and one which did not lead to any real questions from any members of the committee. There were certainly no arguments.

That same evening we had a group from the Ontario Public Service Employees Union, the Chatham-Windsor-Sarnia Area Council, I believe. Ms. Jill Pflanzner appeared on their behalf and she pointed out that she is a worker in the public service who makes about \$15,000 a year. She is a widow and has three teen-aged children. She asked how she could make it, how she could raise her children, how could she send her children to post-secondary education institutions with a five per cent increase based on \$15,000 a year?

Mr. Jones suggests this bill does not treat women any differently to men in the public service and therefore it's not necessary for us to request the presence of Miss Sally Barnes to give her perspective on the effects of this legislation on women in the public service. That ignores two very important and forceful presentations which were made before this committee, among others. There were many others that mentioned this aspect of the legislation. I'm singling out these two because they had the greatest impact on me personally as a member of the committee.

I think whether or not the bill is intended as an attack on women, it has the effect of retarding progress toward the realization of equal pay for work of equal value in the public sector. The very fact that the negotiated contract gave the clerks in the public service a higher percentage increase than other members of the union in an attempt to redress the imbalance and the difference between what men make and what women make in the work force is an indication that this bill, in fact, does retard the realization of equal pay for work of equal value in the public sector.

3:30 p.m.

I think all of us on this committee, and I would hope all members of the Legislature, would agree the provincial government should be the leader in this province in moving towards equal pay for work of equal value. I would hope Miss Barnes, if she is given the opportunity to appear before us, will make that point very forcefully and hopefully persuade government members that that's something we should look at very seriously.

I would like to address one of the main comments made by Mr. Jones in response to the comments of the member for Scarborough West (Mr. R. F. Johnston). He objected to the phrase "brought before the committee." He seemed to think that inferred we would be acting as inquisitors and that Miss Barnes would be somehow subjected to cross-examination of a very severe type.

Mr. Jones: Are you sure it didn't mean that?

Mr. Wildman: I'm sure those of us--I hope it would be all of us--who have a great deal of respect for Miss Barnes and her expertise in this field--

Mr. Cooke: Boy, you can be sarcastic.

Mr. Wildman: --would be very interested in her views, freely given, without any coercion from any of us in this committee. I do understand the amendment to the amendment to say we would be inviting Miss Barnes. I don't think there is anything in the motion which would preclude her from refusing the invitation. I would hope she wouldn't do that and I'm pretty certain she wouldn't. It is an invitation and that's all it's meant to be.

I have yet to figure out the position of the government members on the committee when we've suggested that we invite people with particular expertise to appear before the committee to talk about specific aspects of this legislation and they don't want to even extend invitations. I would hope they would rethink their position on this.

Miss Barnes has obviously got a great deal of respect from the government that has led them to appoint her to this very important position. I'm sure if she's invited and can come to the committee then the information she gives would be very useful to us in moving on to clause-by-clause discussion of the bill.

I would hope we can pass this amendment unanimously.

Mr. Wrye: I want to be very brief again, but I want to address the one point Mr. Jones made. Just as a preamble to that, it is clear I am not personally--and I don't think my party would be--particularly interested in exploring in any real long way with the chairperson of the council equal pay for work of equal value. I think that would get us into more polemics than anything else. We know her views on it, but we also know what the government's views are. Really, equal pay for work of equal value, which is not on the books now, is not, to me at least, the key issue.

The key issue, and this is the one I want to address to Mr. Jones because he has raised, once again, the myth--that's really all I can call it--that somehow the notching, to put a generous word on it, of a \$750 minimum with a discretionary maximum of \$1,000 is somehow adequate.

Obviously Mr. Jones is not yet persuaded, nor is his government, because I have seen, read through and studied the government amendments that are being offered, or the necessity for this Legislature and this legislation to be much more generous to those at the lower end of the scale.

Without getting into equal pay for work of equal value, the principle of affirmative action or any of that, it is incumbent upon us to request Sally Barnes to be here. I would hope she could impress upon the government members, in her position as chairperson of the council, that this legislation is inadequate without much more severe notching. Mr. Jones is aware of our amendment, which would mandate a minimum \$1,200 increase. Without that kind of severe notching, there would be no protection for those, many of whom, I am sad and shocked to say, are working directly for this government and are making less than \$10,000 a year in this day and age.

Mr. Jones: Part-time workers?

Mr. Wrye: No, these are full-time workers. If you would like to see the March 1982 figures, I will provide them for you. There is not a huge number. A vast number are earning less than \$15,000. Our view is that it would be appropriate to have the chairperson of the council come before this committee and explain to the government members the impact of their now pathetic attempt at notching. I believe 86 per cent of those in the Ontario public service earning less than \$15,000 a year as of March 1982 are women. Since then it has probably risen even further. Probably 90 per cent of those earning in that lower end are women.

I think it would be terribly appropriate and might be very helpful for the government members to have somebody they obviously feel is eminently qualified for the position she now holds to come before this committee and to offer her opinions on that specific area. I do not think it would take a lot of the committee's time, and I think it might be time well spent.

Ms. Bryden: I think this amendment is a very useful suggestion, that Sally Barnes should come before this committee for some very specific reasons.

Back in 1980 the Ontario Status of Women Council brought forth an agenda of issues they wanted dealt with. It includes contract compliance requirements for affirmative action programs. I think we have to find out from her exactly what would happen regarding the council's recommendation regarding government contracts. The council recommended that it should be required that a firm getting a government contract have an affirmative action program in place as a condition for obtaining the contract.



We should find out from her exactly how any affirmative action program they wanted to put in under that kind of legislation would be affected. The whole proposal they made back in 1980 would be stymied or could not be implemented in any way unless we had some understanding it would be possible to implement it during the period of the restraint program. I think that is one reason for bringing her forward.

Another one on that same 1980 council agenda, which presumably has been placed on the table for the new chairman to assist them in implementing, was the proposal that the government should adopt equal pay for work of equal value. Again, we have to know exactly how this legislation would affect the implementation of that recommendation.

The Minister of Labour (Mr. Ramsay) used to object to it on the ground that it was impractical and unenforceable, but lately his objection seems to have been that we cannot afford it. That would seem to indicate this legislation might put that recommendation on ice for the duration as well. I think Ms. Barnes might indicate what it might cost to implement that, in light of the fact the council has had it on their agenda for two years.

3:40 p.m.

There is a new development in this field in that the Mercer firm which advises employers on compensation plans has come up with a new proposal as to how equal pay for work of equal value could be implemented through job evaluation of a special nature the firm has developed. I asked the Minister of Labour whether this proposal had been examined by his ministry and whether it would change his mind that equal pay for work of equal value was impractical and unenforceable. He said he was asking for a copy of the Mercer firm's proposed plan and would study it.

I think between the two of them, the Minister of Labour and Miss Barnes, we might get some handle on whether this kind of proposal in job evaluation to work towards a plan of equal pay for work of equal value would be possible under this legislation. If both of these are completely stymied under the legislation, I submit it is highly discriminatory legislation. It would be suggesting there must be a complete freeze on action in these two fields until the whole program is over and that the government's commitment to developing the equality of women and equal opportunity for them in the work place will be completely negated.

We would certainly like to see what Miss Barnes feels her council can do in these fields. Do they feel they have been more or less frozen out of any activity in this field or in other areas? There are also a great many other questions on the agenda of the council that affect women in the work place which may be considered nonmonetary items--health matters, sexual harassment matters. If any of these involve expenditures of money, will they be prevented from implementation under the five per cent rule? These are areas on which I think it would be very useful to get her view.



The final one is the present legislation on equal pay awards. While that legislation is rather limited in its application, it is what is on the statute books at the moment. The minister has assured us the awards will not be prevented from going forward under this legislation, but we would like to get Miss Barnes' view as to whether she thinks people will be inhibited from applying for adjustments under that present legislation.

So for those reasons I would strongly urge members of the committee to invite Miss Barnes to come here as the new chairman of the Ontario Status of Women Council and indicate to us whether she thinks this legislation is neutral, as the minister says, or is discriminatory against women.

Finally, I don't think anybody has as yet produced a figure on how many women are in the 500,000 covered by the legislation. Perhaps her council could work on gathering that information to give us a better idea of the effect of the legislation and the categories of people who are affected--what wage levels, what occupations, etc. This would also help us to understand the effect of the legislation and whether it is discriminatory as very many of the briefs and depositions have alleged before us. That is another reason for getting her before us to evaluate the effect of that legislation and how many are affected.

Mr. R. F. Johnston: I would like to thank the parliamentary assistant, whose remarks reminded me of something I had wanted to raise. He is always incredibly helpful that way. I appreciate the stimulation he gives in covering areas of nonmonetary aspects of this bill which I really wanted to speak about.

Mr. Chairman: You are speaking about Sally Barnes and her connection with the nonmonetary items.

Mr. R. F. Johnston: Absolutely, Mr. Chairman.

The member for Mississauga North raised the whole question of VDTs and that kind of thing. There are a number of nonmonetary items which specifically affect women and which are supposedly covered in this bill. There has been much debate already in terms of the lack of any possibility of being able to bargain for those nonmonetary items, and I think a number of them are things we should be asking Sally Barnes about.

Interjections.

Mr. R.F. Johnston: I think it is a dangerous thing. I think what has just happened means there is another minister we will have to call before us here. I want to make it clear I do not believe Mr. Jones and Mrs. Birch share the same dreams.

Mr. Philip: Suddenly his dreams become a nightmare.

Mr. R. F. Johnston: There are a number of items that in reality will not be able to be touched. In light of some of the things that have been negotiated around VDTs in the last OPSEU contract, I suggest it will not be possible to negotiate items like that for a number of groups at this time.

As we know most of the operators of visual display terminals are women. Most of these supposed nonmonetary items will have a financial cost. I suggest employers will be able to use them as a means of circumventing the five per cent increase, saying they will not be able to include them in any increase. They will therefore not be easily negotiated by any group.

Mr. Cooke: There is no way of negotiating it anyway if you cannot resolve the issue.

Mr. R. F. Johnston: The problem is how one negotiates VDTs if the employer says he does not wish to. You cannot take it to arbitration or a strike. You cannot do anything. If women wish to argue for more pregnancy leave, I would say none of them--organized or unorganized, directly in government employ or in the groups that receive grants--will be able to negotiate effectively for that. The employer will say, "I just do not think we have the bucks to do that at the moment."

It would be the same with other issues. Any argument that there should be work place day care for these groups will not be something these groups will be able to argue for. Anyone not covered under mandatory health and safety committees who wants these committees--as you know, under the present Bill 70 they are not covered--will not be able to negotiate that.

These are all nonmonetary items I would say we should really be talking about with the Minister of Labour and also with Sally Barnes. These are the basic supports that are there to give women the kind of economic independence I was talking about in my initial remarks. If they do not have any access to those, and if they are going to be restricted to five per cent increases, which will keep them at the same level they were or open even a larger gap between them and men, then this is incredibly discriminatory legislation against women and their ability to participate.

Therefore I thank the member for Mississauga North for bringing that to my attention so that I could then reinforce my argument. I know it will now serve to bring him back into the discussion on the other side and support our motion to bring Sally Barnes before us.

Mr. Foulds: We claim to have a parliamentary democracy, and when a bill gets referred to a standing committee is the people. It is the defence the public has--if any of its rights, either individual or collective, are infringed upon--to make representation before that committee, whether the impact of the bill is intentional or not.

I do not question the motives of the parliamentary assistant to the Treasurer nor do I question the motives of the Treasurer. I do question the motives of the government on this bill because I believe that two things happened because of this legislation. Number one, the Treasurer is able to save a lot of money he could not otherwise do--

3:50 p.m.

Mr. Chairman: Regarding Sally Barnes?

Mr. Foulds: He has imposed a five per cent ceiling on Sally Barnes' salary, which I think she should be able to make representation to this committee on. I hadn't thought of that argument when I started, but it's one to gently throw in.

Number two: Whether it was intentional or not, this legislation has a very strong, very negative, very discriminatory impact upon working women in the public service. When Miss Barnes was appointed as chairman of the Ontario Status of Women Council, she indicated one of her main preoccupations and main priorities would be to ensure that working women in the civil service got justice and equality.

However you want to phrase that, whether that's equal pay for work of equal value, or the government's wording for the legislation, she was on record as indicating that was the kind of thing she would work for as chairman. She has her procedures for doing that. One of the reasons it was rumoured that Miss Barnes was appointed was that she knew those procedures better than anyone, having worked so closely with the Premier for such a length of time. I think Miss Barnes would be a very great ally for the women who are discriminated against by this bill.

That brings me to my third point, which is the very simple injustice that a five per cent ceiling or percentage freeze has. It negates the advances the union, OPSEU, deserve a lot of credit for getting. When they got the two-year contract for the clerical and office workers, they had to give up something. We know, you know and the government knows what they gave up. They gave up money for other categories, and the vast majority of workers in the clerical and office category are women. They are not exorbitantly paid. They are paid about \$15,000 to \$17,000 a year. Slapping on this kind of percentage increase, even with this phoney notching process, discriminates very strongly against them. It means the increase their union had negotiated of 11 per cent in the second year of that contract gets rolled back, and that is a clear injustice.

I want to know and I want this committee to find out from the present chairman of the Ontario Status of Women Council how her council is going to persuade the government not to do that. I want her to advise this committee on how we can use the channels that she knows so well to ensure these women are not discriminated against. I want to bring to the attention of this committee the kind of individual this bill hits hardest. Mr. Wrye indicated in one of his speeches that there were a number of working people in the civil service who were paid salaries under \$10,000 a year. Frankly, I think that is scandalous.



We brought up in the Legislature the case of Marie Mitchell who does not work directly for the government. She works as a nursing aid in Pine Grove Nursing Home in Woodbridge. She has worked there for almost three years. Last year her union, the Christian Labour Association of Canada, negotiated a two-year contract covering the period December 1, 1981, to November 30, 1983.

Under the terms of this contract, Marie Mitchell receives an hourly wage of \$5.70. That is not a princely sum. That results in a gross annual income of \$11,856. Under the contract negotiated for her, she would have been receiving an increase of 70 cents an hour, starting December 1, 1982. That would be about \$1,456 annually.

What this legislation does to Marie Mitchell--and remember her salary, \$11,856--

Mr. Jones: I think you are eligible for \$1,000--

Mr. Foulds: You still take away from her at least \$456. You take away, you rob from her something that she has legally negotiated. It was a signed contract that she thought was binding. This piece of legislation takes it away from her.

Mr. Chairman: Where does Sally Barnes fit into that?

Mr. Foulds: In my books, that is called stealing. I would like the chairman of the Ontario Status of Women Council to tell us how in her role, which is to defend women in this province, she is going to ensure that kind of thing does not happen.

Every one of the groups that came before us that had to do with the cause of working women said that amending the legislation was not good enough. The wage control section which discriminates so blatantly against them had to be withdrawn.

On the other side, this bill is supposed to protect working women in the price area. Marie Mitchell's rent was raised after an appeal to the Residential Tenancy Commission by 31.7 per cent. What you do is you slap an arbitrary five per cent ceiling on this working women's wages, and on the price side you allow her rent to go up from 34 to 45 per cent of her income.

I would like to know what Miss Barnes has to say to persuade the government that that is simply not justice. I want to know what she is doing in her role to persuade this government to withdraw this legislation. I want to know what she is doing to supply low-cost housing for single, like Marie Mitchell with dependent children. That is one of the key reasons I believe this committee has an obligation and a duty to see that Miss Barnes comes before it.

Thank you for your tolerance and patience, Mr. Chairman.

Mr. Chairman: Mr. Laughren. Mr. Foulds went to number five. Perhaps you would start with number six.



Mr. Laughren: Six what?

Mr. Chairman: Points about Sally Barnes.

Mr. Cooke: Mr. Chairman, be nice.

Mr. Chairman: I am being helpful to Mr. Laughren.

Mr. Cooke: Remember, you are the rookie; he's the veteran.

Mr. Laughren: You will notice who is chairing the committee though.

The reason I support this motion has nothing to do with one of my colleague's moving it. It is for a different reason to why I think the Minister of Consumer and Commercial Relations or the Minister of Labour should appear before the committee because I realize those other two gentlemen would probably be appearing before the committee against their own wishes. Although I did confess that I was capable of making certain heroic assumptions that might not always be true, in the absence of any other kind of evidence from the Conservative members, I am forced to draw certain conclusions. I will not go through that argument again.

In this case, I support the motion to have Miss Barnes appear before the committee because I believe she would like to. I believe she is probably being muzzled by the Conservative members because they do not want her to come and tell the committee the way it really is, to tell the committee that if she had only known this was going to happen, she would not have accepted that job. I have no doubt about that whatsoever.

I do not believe Miss Barnes, given her record of fighting for women's rights, would have accepted the position if she had known this bill was going to be applied to the very women she is supposed to be looking out for. I do not believe that for a minute. I believe she was aching for an opportunity to come before the committee and tell all and to express her views on this legislation, but it is very difficult for her to do so unless she receives an invitation. She is not that kind of pushy person who would say, "I want to appear before that committee."

Mr. Mitchell: Gee, Floyd, you are being charming.

Interjections.

Mr. Laughren: You know and I know it would be the appropriate thing to do, to invite Miss Barnes to come before this committee so we can ask her the kinds of leading questions that would allow her to express the views which I know she must want to express. It is very difficult for her to just issue a press release condemning the legislation, but if she were to appear before the committee and all members were able to ask her questions as to how this is going to affect the people whose interests she should be protecting, she would be delighted to answer those questions, I am sure.

The only thing I want to say is that I think there is a different reason for inviting Miss Barnes before this committee than for inviting the other cabinet ministers. I urge the government members of the committee to think about that and to think of whether or not they want to go on with this hanging over their heads and the resentment she is going to feel towards you for having muzzled her and preventing her from receiving an invitation to appear before this committee.

I think the government members should reconsider the position. Thank you, Mr. Chairman.

Mr. Chairman: There being no further speakers, we will proceed with the vote on this amendment. I believe this is Mr. Cooke's amendment to the amendment relating to Sally Barnes.

Mr. Cooke: I ask under clause 89(c) an adjournment for 20 minutes, Mr. Chairman.

The committee recessed at 4:02 p.m.

4:25 p.m.

Mr. Chairman: The vote will proceed.

The committee divided on Mr. Cooke's motion to amend the amendment which was negatived on the following vote:

Ayes

Cooke, Mackenzie, Riddell, Wrye.

Nays

Eves, Jones, Mitchell, Piché, Stevenson, Watson.

Ayes 4; nays 6.

Mr. Chairman: Shall we proceed with the amendment?

Mr. Wrye: I would like to move a subamendment to be inserted after parts III and IV of Bill 179. If you will not allow that, I can rewrite it to simply follow after the amendment Mr. Mackenzie still has with the floor.

Mr. Chairman: Mr. Wrye moves that the following subamendment be inserted after parts III and IV: and with the understanding that the Honourable Russell Ramsay, Minister of Labour, appear during clause-by-clause deliberations of parts I and II of Bill 179.

Mr. Chairman: Would Mr. Wrye help clarify the previous motions to do with Mr. Ramsay? How is this different from the previous ones? Is it the addition of parts I and II?

Mr. Wrye: That is correct. The only other motion affecting Mr. Ramsay, if I'm correct, was the motion dealt with yesterday from Mr. Mackenzie or Mr. Cooke, who moved that this committee request that the Minister of Labour appear before the committee to discuss in detail those aspects of Bill 179 affecting his responsibilities.

It was very clear that what was envisaged in that motion was an appearance prior to commencement of clause-by-clause deliberations. This is a quite different motion, which asks for Mr. Ramsay's presence in the same way as the government offered the presence of Dr. Robert Elgie during parts III and IV.

Mr. Jones: Perhaps I can have the guidance of the chair, but I have the benefit of a document that was a motion by Mr. Wrye--

Mr. Chairman: Perhaps that is the one he didn't put; that's why it appears familiar.

Mr. Wrye: I will attempt to be brief in the outset and will listen to other arguments, but I want to say that it strikes me to be almost incredible that the government would offer to us the Minister of Consumer and Commercial Relations for those aspects of the bill which directly affect his ministry, but would not, for whatever reason, for whatever motives, and I will not speculate upon them, offer to this committee the Minister of Labour for those aspects of the bill which affect his ministry.

I will not go back and read the comments made by the Treasurer (Mr. F. S. Miller) in the early part of our deliberations, except to say in a very general way that it was clearly indicated by the Treasurer that we would be allowed to have the presence of the minister at some point in the deliberations. Clearly he did not show up during the public submissions on Bill 179 and clearly the government, by its members' votes, have decided that he should not be present prior to the commencement of clause by clause.

I don't, for one, see any reason why the Minister of Labour needs to be present during parts III, IV and V of this legislation, but it is obvious that parts I and II of this bill most directly affect the future of labour relations in this province.

Just as we have discussed a motion which would have requested the appearance of the chairperson of the Ontario Status of Women Council, that motion requesting the appearance of Ms. Barnes was to look at very specific aspects of the legislation in parts I and II.

4:20 p.m.

This motion, it seems to me, suggests that the minister has some responsibilities for the improvement of what I think all of us on this committee would agree is a very disgraceful situation in terms of the relatively low level of women's wages when put



against the overall wages of all workers in Ontario. While he does not have responsibility for the council, he certainly has for initiatives which might improve the lot of women.

Although I could if you wish, Mr. Chairman, I will not, at least at this time, go through parts I and II of this bill clause by clause and point out where it would be useful and, indeed, is almost mandatory that the minister appear before us to discuss the various aspects of the legislation and the impact that the legislation, if it remains in place unamended or without significant amendment, will have. Let me use just one point for now.

This legislation, as you know, while it does not take away and say there shall be no collective bargaining, in a sense it might as well, in that it says that collective bargaining can proceed, but by extending the duration of contracts it takes away the right of an employee in the public sector to press, either through binding arbitration or through the removal of his or her services, a demand on the nonmonetary, noncompensation aspects of the legislation.

It seems to me that it is really about time the government members read the title of this legislation. The bill refers to restraint of compensation. It doesn't refer to the restraint of improvements in grievance procedure. It doesn't refer to restraint of improvements on working conditions. It doesn't refer to restraint on a host of other areas. It refers to compensation. Yet the bill, in its most dramatic effort at overkill, gets us into a whole host of nonmonetary issues by saying in effect to employees and employers, "You can bargain them, but if the employer doesn't want to give them, you have no recourse." The bargaining simply ends at that point.

It seems to me to be appropriate that the Minister of Labour come before this committee and, with his experience as minister over the last several months and with the advice he can obtain before or during his appearance from the experts in the ministry, perhaps enlighten us on the impact of the present legislation as opposed to, for example, an amendment my party will offer on the likely progress that workers in the public sector would make during the next 12, 18 or 24 months in attempting to improve their lot in noncompensation areas.

That is only one area on which the Minister of Labour could, I'm sure, enlighten this committee. Just as it makes uncommonly good sense that Dr. Elgie be here to discuss those aspects of the bill which most particularly affect his ministry, so it makes the same kind of common sense that the Minister of Labour appear.

I will only suspect that the continuing refusal of the government at this point indicates a refusal from someone much higher than the members of this committee to unleash the Minister of Labour in the confines of this committee. I would hope the government members would see just how much common sense this subamendment makes and would vote for it.



Mr. Jones: Mr. Chairman, we've heard in the comments of the member on the moving of his subamendment some of the things we've heard earlier. There seems to be this continued suspicion that the government is somehow or other going to cease all the progress it is making for the lot of women in the work force. That's not so at all.

Mr. Cooke: That's exactly what's happening.

Mr. Jones: You attach that suspicion to this. Mr. Wrye has just done it again. We know where you're coming from with that negative sort of thing.

Mr. Foulds: We know where you're coming from too.

Mr. Jones: As to the motion as being put, I would just remind the committee members that this bill is being carried by the Ministry of Treasury and Economics. The Treasurer made himself available--and I think you would all agree--in the House for the debate. It is not at all uncommon in the procedures of this House for the bill to be carried by one of the members of the executive council.

There has been the suggestion that somehow or other we're stonewalling or hiding away the expertise to explore the workings of the bill. That is not so at all and I think you know that.

Mr. Foulds: That's very clear.

Interjections.

Mr. Chairman: Order. Mr. Jones has been very patient for you. Thank you, Mr. Jones. Carry on.

Mr. Jones: I think we can safely assume and know--Mr. Wrye referred to it--that expertise from the Ministry of Labour would be in attendance in a clause-by-clause discussion, as well as the Treasury personnel. There has never been any suggestion or any kind of an attempt to keep information from the members of the committee so as to do their work as they would explore it clause by clause.

Quite the contrary. The Treasurer, a senior minister, has made himself available in the debate in the House and to this committee here, as he will as we go forward with our clause by clause. The Premier has entered in the discussions. To say that somehow or other the Minister of Labour, because he has an interface with this legislation as it would impact on people in the work force, is hiding from this committee, just simply isn't so.

There is precedent for the process all through legislation that has been brought forward in this House. I remember Treasury bringing a bill on youth employment, for example. We created a program call OYEP, Ontario youth employment program, to put some 50,000 young people to work. Treasury introduced that. I know as I carried the bill in the House. That bill worked through various ministries very effectively. That's the process.

Mr. Foulds: You weren't parliamentary assistant to the Treasurer.

Mr. Jones: No, I wasn't. I was the parliamentary assistant in social development, but I happened to carry the bill.

Mr. Foulds: Yes, and it was a Treasury bill. You've just destroyed your case.

Mr. Jones: No, I'm simply saying the process around here, the precedent, is well established--

Interjections.

Mr. Chairman: Gentlemen, we'll get back to Russ Ramsay.

Mr. Jones: That was a bill where you could well say the Ministry of Labour should have carried, but he didn't.

Mr. Foulds: No, the youth secretariat should have carried it. The appropriate person carried it.

Mr. Chairman: Order.

Mr. Jones: There has been an awful lot of the belabouring of the point that somehow or other the government is trying to keep back some of the expertise that is available to discuss this bill as we move into clause by clause. That just simply isn't so.

The Treasurer has made it pretty clear that he is prepared to be available. He is the person charged with the responsibility of carrying the bill. We have talked about Dr. Elgie coming forward to be with the committee on sections of that bill. We have no doubt whatsoever that we will have other people and the other expertise Mr. Wrye referred to will be available for this committee. We've had this continued fixation about the Minister of Labour. Yesterday, there was reference to the lack of courage on the part of the ministers of this government. That just simply isn't so. Those of us government members who know these people of fortitude individually are sensitive to that.

Mr. Cooke: Do you sit in on cabinet meetings now?

Mr. Jones: No, but we have sat in--

Interjections.

11:20 AM

Mr. Jones: we get some access to cabinet committees and that part of the process. We are just simply saying that the cabinet is not lacking in courage in not coming forward. The government is prepared to be open, anxious to get on and put these gains behind us and get on with consideration of the bill clause by clause.

Mr. Cooke: We will support this motion as the second best to having Mr. Ramsay in front of this committee to answer questions before we get into clause by clause. I think there are a number of things that he should have been asked to explain, but I understand the reluctance of the government to allow the minister to come before this committee. I guess it is a demonstration on the part of the Conservative members of this committee that they really don't have a lot of confidence in their Minister of Labour to defend his position in this very regressive piece of legislation.

I guess they realize the minister feels very uncomfortable and would probably--

Mr. Chairman: That is repetitious and out of order. A new point.

Mr. Wrye: What are you talking about, Mr. Chairman?

Mr. Chairman: That is repetitious under the standing orders. New point.

Mr. Foulds: Which standing order?

Mr. Chairman: Clause 19(3)(c).

Mr. Foulds: Could you read 19(3)(c)?

Mr. Chairman: Go to your next point, please.

Mr. Foulds: On a point of order, Mr. Chairman: I believe that rule applies to the specific debate on the motion in front of us. There is a specific motion put by Mr. Wrye and, as I recall, only one argument, Mr. Wrye's argument, has been made on that motion. You could check Hansard. I don't recall any of the arguments that are currently being made by Mr. Cooke having been made on this particular motion.

Mr. Chairman: Thank you very much. However, it says, "persists in needless repetition." It doesn't really refer to that particular motion.

Mr. Cooke: I don't believe it is needless but I will continue. Mr. Chairman, I thank you very much for your advice. It is very helpful.

I can understand why the government members of this committee fear Mr. Ramsay coming before this committee. The reality is that he has said he philosophically disagrees with this legislation. Perhaps the government members understand that under tough questioning from the opposition, he would break down and admit he doesn't support this bill. He has said so in cabinet and he has said that in public. Perhaps we could even get him to repeat some of the things he said in Sault Ste. Marie right down here in Toronto in front of his colleagues in the Conservative Party.



It amazes me every time I hear Mr. Jones speak. He seems to think we dream up these plots, that we see all these government plots and there is nothing to them at all. Whether there was a deliberate intention on the part of this government or not to set back equal pay for work of equal value--any minor progress that has been made in that area so far in this province with the civil servants--it is a reality. It is what's going to happen as a result of this legislation. That has been proven by the various delegations that came before this committee.

You can't just sit back there and say I have been fooled or that the Treasurer says it not true, so it's not true. The facts and figures have been presented to this committee. On average, women will fall \$300 further behind men within the civil service as a result of this legislation. How can you just sit there and continue to deny it?

Mr. Jones did have one constructive suggestion and that was when he talked about the Premier. Perhaps the Premier will be a subject of a future motion before this committee.

Mr. Chairman: Thank you, Mr. Cooke.

Mr. Jones: Let the record show I did not make that suggestion. I was just pointing out that the Premier has taken a very active role--

Mr. Wrye: You are going to be blamed for this motion.

Mr. Chairman: Thank you. Mr. Johnston, you have the floor.

Mr. R. F. Johnston: That is unfortunate. I thought this made an opening for me to suggest that if it is a time problem we could have the Premier and Mrs. Birch in at the same time, but since you didn't mean that I won't proceed with that any further.

There are two aspects of this motion. One is the presence of the minister again and the other is his specific presence here during clause by clause.

If I could have your indulgence, I would like to ask a question for my own clarification before I proceed. Do I understand the motion correctly--and either yourself or the mover can clarify this for me--that the minister would be available to us through clause by clause for the entire period we are discussing parts I and II? Or would it be that we would tell him when we wanted him to come in? I didn't have quite the idea of how much time there--

Mr. Jones: There you go again.

Mr. R. F. Johnston: "Have him come in" was offensive? I'm sorry. I should say have him invited to be present with us to share this experience. Can I ask the intention of the mover on that before we proceed?



Mr. Wrye: If I might, Mr. Chairman, I am prepared to be very reasonable on this. The parliamentary assistant to the minister has been sitting in and probably will during clause by clause. I'm sure we could alert the minister to those sections where we might not need him. I do not think we would need him for every section of clause by clause.

I am sure we can all be reasonable and say that on section 5 or whatever we will not need the minister and let him go about his work, but we will need him on some other section or whatever. I am quite prepared to indicate which sections of parts I and II we would want the minister present. I would hope your party would do the same and that the Conservatives would do the same. I do not want to be unfair to the minister and have him here if he is not needed.

Mr. R. F. Johnston: No, we would not want to be unfair to the minister. I think all of us are in agreement on that. On the other hand, I guess that is where my difficulty with this as a kind of second best approach comes up, the idea that we might have the minister here one day and not be able to get him here the next day while we are dealing with a particular clause or a particular area. Most of the areas you have already identified as a concern in those sections would impact in a major way on the Minister of Labour and we would probably want him around for comment on those.

It is much more sensible to have the minister here before we go through clause by clause to discuss--well, I know we have support of that. The member for Windsor-Sandwich (Mr. Wrye) said they had supported that motion. My difficulty with trying to do it all in clause by clause is just how impractical it may be depending on the length of debate on a given day on a particular clause, and the minister's kind of schedule. I would have thought a more practical kind of approach would have been to have the minister in before us. This had been suggested in other motions, the one which has been defeated recently and the one that was not accepted as an order back at the beginning of the hearings.

Because of the nature of the entirety of parts I and II and the principle involved in terms of the impact on the minister's capacity to deal with labour relations in the province, I find it difficult to see how we could just sort of haul him in and out on particular clauses in an effective way. We would no doubt be wanting to speak on larger terms around any given clause than that clause itself might allow us to in terms of the fuller impacts when we have him there.

I am not sure if we were to allow that kind of leeway whether the chair would feel constrained to say, "Well, the minister is here on a specific clause and the parameters of this specific clause are such and such and therefore we are going to have to rule a number of these things out of order." I think that might be awkward both for the chair and for ourselves as we try to deal with the minister on ramifications of issues that are not tied down to a specific clause on a specific day.

I guess I am reluctantly speaking in favour of this motion, but saying I have a feeling it could cause us a lot of difficulties in trying to deal with the minister, rather than having him before us in a way in which we can discuss the overall philosophy of this bill. I know the staff here today wanted me to say that, and I am glad to get that on the record on behalf of Hansard staff who had asked me specifically to raise that concern, which is a fib.

Interjection: Hear, hear.

Mr. R. F. Johnston: Some honourable staff person, "Hear, hear."

I see this as a difficulty, Mr. Chairman. I know that is a little bit repetitive, but to pull him in on one day and limit him to certain clauses, when he can't come in the next day when we are dealing with the next batch of clauses, and not being able to deal with him outside of the parameters of an individual clause-by-clause discussion, could cause us all sorts of procedural hassles, and I know that no one here likes procedural wrangles.

4:50 p.m.

Mr. Chairman: And we aren't used to them either. Thank you, Mr. Johnston. Mr. Wrye.

Mr. Wrye: Very briefly, I have two points. I can understand the difficulty that Mr. Johnston has and it may well be that we would want the minister here virtually full time. It shouldn't be a great problem in that the government has, in its own motion, offered to do just that with Dr. Elgie. The government has been quite willing to make the precedent on parts III and IV and I don't see that there is that great a problem with parts I and II.

I want to deal specifically with one matter raised by Mr. Jones, and that is that he has gone back again and again to the fact that the Treasurer is carrying the bill, was in the House for second reading and has been here for the public hearings, or a good part of them. I will concede all of that.

I don't think we are asking Mr. Ramsay to be here for any different reason than the government has offered Dr. Elgie to be here. Dr. Elgie isn't carrying this bill either. So I fail to see what the Treasurer really has to do with this, other than the fact that he will be here, virtually full time, I presume, during reading of clauses of the minister carrying the bill.

We have suggested in this amendment that, just as Dr. Elgie has a very important role to play in parts III and IV, once the bill is there, it and when it takes effect, so it seems to us Mr. Ramsay has a very important role to play in parts I and II, it and when those parts of the bill are in place.

Interjection.

Mr. Wrye: I don't want to be unreasonable, but I suggest to you with respect, Mr. Jones, that these two are as close to being the line ministers as is possible. Once this bill is in place, the Treasurer is not the minister on the firing line. In parts III and IV, Dr. Elgie will be, and in parts I and II, Mr. Ramsay will be.

I view the request that Mr. Ramsay appear before us during parts I and II to be put in the same spirit that you have offered to have Dr. Elgie here on parts III and IV. I see no inconsistency in having one minister here for those first two parts and a second for the next two.

With that, I would simply ask you, Mr. Chairman, that the Conservative members of this committee give us this very reasonable request. I agree with my friend Mr. Jones; let's get on with it. But let's get on with it with the players present who can play an important role, a meaningful role and a useful role in our deliberations.

Mr. Mackenzie: Mr. Chairman, I also will support the amendment that has been moved. Obviously, it would have made more sense to have had the minister here for an overview before we got into clause by clause, but certainly, if he is going to be here, he should be here all the way through parts I, II, and IV at least while the bill is on.

This may be a Treasury bill, but whether it is or not, the cumulative effects of it over a long period of time are going to be in the Ministry of Labour most directly because that is where there is an organized and angry work force, and also in the Ministry of Consumer and Commercial Affairs and in Management Board.

For the life of me then, since the beginning of this argument, I haven't been able to understand why we are getting the difficulty we are getting with the government members.

Mr. Jones: This is an overall economic bill. This is the statement when it was introduced.

Mr. Mackenzie: Mr. Jones, it may be an overall economic bill. You may have serious problems with the economy of the province, and they are probably going to continue, but the results of this bill are going to be chaos in the labour relations field for a lot of years to come. The guy who is going to be carrying the can for it is the Minister of Labour.

My God, I don't know what we have to do to get that through to you people. In so many briefs the message was, as in the final paragraph in a very short brief from the steelworkers--and that is the third biggest union in the province; we didn't get to them the other night, unfortunately, and as the United Auto Workers clearly said and as the Food and Allied Workers clearly said, in an excellent submission by Mr. Park--and I would suggest you all go back and read it because some of you tried to put him on the spot and it didn't work--you're not just touching public service here. The message is beginning to get through to the other unions.



In the case of the steelworkers, there are more than 1,000 locals in Ontario. There are still between 95,000 and 98,000 members, even with the drastically reduced membership caused by the layoffs. They're not saying, "Hey, we want this because some of our guys are off work or being hurt," which is certainly the kind of arguments we were getting from you people. They are telling you loud and clear that they recognize what's wrong with this bill and that they don't want it and that if you're going to continue with it you are sure asking for a pack of trouble. That's clearly what they're saying.

It's probably not the Treasurer who's going to get the flak you're going to get from the organized work force in the province. It's unfortunate that we've only got 40 per cent of the work force in Ontario organized. I don't know what the other people do, except that they feel the effects of it every bit as strongly. I do know you're going to have real problems with organized labour in Ontario.

To suggest that the Minister of Labour is not going to be here to answer questions all through it makes no sense whatsoever. It's almost impossible to contemplate. I just really don't know.

Mr. Jones: As a matter of fact, we haven't even said that. We were talking about making it a condition of proceeding.

Mr. Mackenzie: Mr. Jones, I don't want to be nasty, but let me tell you something. One of the reasons I think we have to make it a condition is that quite frankly I don't think the word of this government is worth the paper it's printed on. You've done that in what you've done with the contracts with this legislation coming forward.

As I've said, the argument we got in the House that we couldn't touch some price increases that were going through because they were decided before this legislation came in when we are in effect tearing up the terms of contracts that were signed and negotiated months before is a clear indication of what your word is worth.

Another brief makes the point I'm trying to make, the submission by the consumers' Fight Back group, Are Wages In Ontario Excessive? There are three paragraphs in here that are specific questions, once again, to the Minister of Labour. "There has been little public criticism of the wage control aspect of Ontario's nine and five program," they say, "outside of the public service itself." Up till now that's true, but it's beginning.

"Public servants seem to be popular targets for wage reductions. However, whether or not the restraint will long-term economic sense will only be known after a number of questions have been answered.

"First, what will happen to wages in the private sector?" In other words, if this is the intent, and I think it's obvious it is, of this particular bill, what will the effects be on wages in the private sector?



I don't happen to agree with all their brief, but they ask those specific questions that are the kind of questions that have to be put to the Minister of Labour. It says: "Unless there is widespread adoption of the wage restraint program by the private sector, the public sector will have been singled out for unique treatment. If inflation during the lifetime of the program exceeds the allowed increases, what will happen when the program ends?"

We know what our colleague, the leader of the Liberal Party, has said on this. We haven't had anywhere near as clear a position as to exactly where the government stands. What happens if there is a serious effort to catch up, which is human nature and to be expected, at the end of this control period, whether it's in the public or the private sector?

If we have a rash of contract disputes or demands or even strikes at the end of the contract period, what happens if those efforts are to catch up with the cost of living or catch up with what they have lost as a result of the wage rollbacks, because that is exactly what is happening to public sector workers.

5 p.m.

"Will the inevitable result," as they go on in their brief, "be a vigorous game of catch-up? If so, what costs will have been deferred and not avoided? Are you really just putting on the back burner, so to speak, the problems in terms of workers and their wages with this particular bill? Is the Minister of Labour taking a serious look at the implications of that?"

It is an obvious question, and maybe even more important is the third point they make in these three particular paragraphs. They say: "Secondly, what will happen to the quality of the public service? Will wage controls influence the most highly skilled and mobile members of the public service to move into private industry?"

There is no doubt in my mind that the gamble is that with the club we are holding over the public sector workers, the private sector is going to be able to keep their wages down--that that threat is not there. I submit to you, it is always there with top-flight civil servants. Because we have this kind of hard control, and the angles of it or the elements of it in terms of over \$35,000 as well, does it mean we are going to lose some people?

We have trouble in some areas as it is recruiting some senior civil servants. I simply say, what does this mean to the future of the work force, to the quality of the work force we have in the public sector, what does it mean in terms of where we are just on hold? All of these questions are legitimate questions to be asked of the Minister of Labour.

We don't have him here, and I think we could have resolved about 50 to 75 per cent of the questions by a couple of hours' session with him on what he sees as the problems--the overview we

have been asking for all along. But maybe it can be worked in at the beginning of each clause in the clause by clause in any event; I am not sure. How do we get at some of these and a hundred other questions I could raise with you, and questions that leap at you out of every single brief we have had before us, if we don't have the Minister of Labour here?

I say to my colleague from Mississauga it does not make any sense for the position the Tories are taking in this committee. Surely to goodness there is an overwhelming case, as I have said before, for the guy that has to carry the can for the next two or three years in Ontario, that we have a chance to talk.

We are kidding ourselves, this committee is kidding itself, if they think that we are doing an honest job in dealing with this bill clause by clause, or however you want to put it, if we have not had someone who is so totally and completely affected by the bill before this committee. It is ludicrous.

I cannot understand the stonewalling of these efforts. Sure it should be before, as well as during, and it should be through at least three sections of the bill and it should be all the way through, not in and out, because the bill is fundamental to people. Surely he should be here.

Mr. Chairman: There being no further speakers--

Mr. Mitchell: Might I draw your attention to the fact that we would like a co-calling of the members, a 20-minute recess, under 89(c), is it?

Mr. Wrye: Boy, you are really holding up the business.

Mr. Chairman: Be ready for the vote in 20 minutes; it will be 5:23.

The committee recessed at 5:03 p.m.

5:23 p.m.

Mr. Chairman: This is the third amendment to the amendment. It is Mr. Wrye's amendment. Would the members please respond to the clerk?

Mr. Piché: Mr. Chairman, may I have your attention?

Mr. Chairman: I'm not through here.

Mr. Piché: But look this way first, please.

Mr. Chairman: The clerk will call 8-6.

Mr. Piché: I am looking your way.

Mr. Cooke: On a point of order, Mr. Chairman: I have no idea what Mr. Piché intends to do, but it was very clear Mr. Mackenzie asked for the floor before Mr. Piché--

Mr. Chairman: No, Mr. Piché was making motions at me long before anybody was saying anything.

Mr. Cooke: Mr. Chairman, this is two times in a row you have played this game.

Mr. Chairman: I am recognizing Mr. Piché for what he has to say.

Mr. Piché: I want to propose an amendment and I am within my rights to do that. It is prior to clause-by-clause deliberation and I propose a further amendment that the opening statements shall not exceed 20 minutes per party.

Mr. Wrye: Carried. See how reasonable we are?

Mr. Piché: I would like to change that to 10 minutes.

Mr. Chairman: That is in order because it is dealing with clause by clause in the main motion. It refers to the length of time of the opening statements. It is in order to define or limit the opening statement.

Mr. Cooke: Very briefly, our party will not support the motion. We are not going to accept any arbitrary limits on our opening statements in this committee. Government members have shown absolutely no willingness to compromise in terms of which ministers should appear before this committee. We do not intend to compromise one bit until you decide to have ministers in front of this committee and to extend public hearings.

Mr. Chairman: Thank you. Mr. Wrye?

Mr. Wrye: Would it be fair to ask what the motion is?

Mr. Chairman: It is an amendment to the amendment. It is about opening statements of each party being limited to 20 minutes.

Mr. Wrye: I think each party should be able to put its position in a reasonable length of time. I am certainly not going to support limitations on each clause but I think that 20 minutes for opening statements seems reasonable to me. I have an opening statement which runs about half that length. I guess it is my old television journalism coming through. I think if we cannot say it in 20 minutes, we will never be able to say it. I support the motion.

Mr. Mackenzie: It really makes no difference to us, but I would like to know whether or not Mr. Mitchell was serious about wanting the debate on this to continue through to 11 o'clock and then vote or whether he wants to hold it over until tomorrow.

Mr. Mitchell: I will repeat the question; I do not know whether or not you overheard. I was raising the question with the other members whether in light of what is proceeding out here tonight that it might not be prudent for us, rather than disrupt our proceedings, to adjourn for this evening and continue with our normal business tomorrow.



Mr. Jones : I appreciate what the member is raising. As one of the other members has already mentioned, I have people with their families that are going to be honoured and I would like to be out there with them. I think we must really search our souls a little bit about the time we have been spending in here, and I think we need every precious moment to go forward. I appreciate what Mr. Mitchell is suggesting. I would think we can still make some progress in the remaining half hour and I would be in favour of going forward, at whatever slow pace it may be.

Mr. Mackenzie: You had raised it first and I was simply trying to find out whether or not there was a serious concern over it.

Mr. Mitchell: It only came to my mind as I was coming down the stairs. It appears it is not of much importance--

Mr. R. F. Johnston: I wonder if the chair could clarify for me what the procedures have been in the past in terms of a time limitation on opening statements. Is this generally--

5:30 p.m.

Mr. Chairman: There is no precedent in this committee since I have become chairman as to opening statements. I am sure Mr. Swart can say. Mr. Swart has been on the committee most of my years, as well as Mr. Piché and Mr. Mitchell. I don't think we have had that question come up.

Mr. Swart: Perhaps not within this context. Of course there has been a time limit on opening statements on estimates, which is something different.

Mr. Chairman: That is specified in the standing orders--the latitude on opening statements in the first vote on estimates. That is specifically dealt with. I have looked at our standing orders and Beauchesne and I cannot find any reference to opening statements. I looked at that a day or two ago.

Mr. R. F. Johnston: I wonder if the clerk knows of precedents like this, suggesting a specific time limit by motion. Has this happened before?

Mr. Chairman: I think the committee can order its own business as far as opening statement are concerned without starting any great roaring precedent. If the committee chooses to limit it to X minutes this time, there is no precedent that next time it cannot be different.

Mr. R. F. Johnston: My only concern, if I could just register it, would be that by setting a precedent we would then also set a precedent for the amount of time somebody can speak on it--a particular time on a particular item--either in estimates or on a bill and that kind of thing. I just wonder, in this sort of thing, if we do not normally leave it up to the honourable members to make their remarks as they see fit. That is one of the basic freedoms of our approach.



I worry a little bit about having a time limit set in in any majority government situation. You could have motions for time limits being set on all kinds of matters that might be very important to opposition members. I think there is some danger in establishing that as a kind of modus operandi in committee.

Mr. Wrye: As a member of the Legislature, as a politician, as a journalist, I have always prided myself in reserving for myself the right to change my mind. I have listened with interest to my friend from Scarborough West and privately conferred with my two colleagues who are much wiser and have been here for a much longer period than I. I am now prepared to admit to a rookie mistake and I will not support the motion.

Mr. Foulds: I understand a motion is before this committee to limit opening statements on the legislation.

Interjection: Be specific.

Mr. Foulds: This specific bill and this specific legislation.

I think it is a very dangerous precedent. I have been in the Legislature 11 years now and I cannot recall such a motion ever having been made or passed before, even in a majority government. I have lived through majority government between 1971 and 1975 and there were a number of bills during that period, including the Education Act, which were referred to a standing committee. Bill 100, which later became known as the School Boards and Teachers Collective Negotiations Act, was one which was referred out to committee.

I recall the Minister of Education at the time, who is the present government House leader (Mr. Wells), literally went for months quite willingly and happily before a standing committee--it was the social development committee in those days. He felt it was extremely important that there be full debate, not only on the clause by clause but on the opening statement on each section of the bill. I found that very refreshing. In that case, when we got to clause by clause not only did we have, as this committee has had, members and organizations making presentations and briefs at the opening of the committee hearings, but the public and organizations were allowed to make presentations and briefs on each major section of the bill.

There was no time limit put on those presentations or on the opening statements of party representatives on the clause by clause. I think that is a precedent. That is the kind of precedent that we should follow, and there was just as much a pressing need to get through what was then Bill 100 and has since become known as the School Boards and Teachers Collective Negotiations Act. There was just as much a pressing need to get that passed, to regularize those procedures, as there was a need from the government viewpoint, to get this bill through. I would strongly urge the committee not to impose closure on itself in this kind of debate.

Mr. Mackenzie: I would also not support the motion. I would, in fact, urge Mr. Piché to consider withdrawing his motion. I ask him not to let his own frustration over the proceedings lead him into a motion such as this, which does have some potentially serious ramifications. We point out that there is already a growing concern, certainly amongst an awful lot of members of this Parliament and amongst an awful lot of observers of the parliamentary process, about the value, the influence, the ability to legislate and actually have some say in running the affairs of the province. It is a growing concern.

It is a growing concern when you see the number of orders in council or the numbers of decisions that are made without the kind of input there should be. It is a concern that is general and it cuts across all party lines. There have been some rather excellent editorials and comments on it in recent months in the press and in some magazines.

While it may seem like a small point, in a bill that is obviously a controversial bill we are going to impose on that one small section of it a time frame. I think if the move is a result of your frustration--maybe it is not and maybe I am wrong--it is a very dangerous one. If it is not, I will ask you to consider what the implications of the move are. I do not think it is a good one.

I think probably we could live within that, once we get into clause by clause in terms of trying to do it, but I will be damned if I would want to see it set as a precedent in a motion passed limiting us to that kind of a time frame on opening statements. I really think it is something every member on this committee should be thinking very seriously about.

Mr. Chairman: Mr. Piché.

Mr. Piché: Mr. Chairman, first, I would like to assure those here that there is no frustration on my part. We went into the House with this bill and everyone here has had a chance to have opening statements. Some went as long as nine hours. We went through all that.

The way I am looking at this amendment is that we are now to deal with clause by clause, and we are not doing that. We are wasting a lot of time. We are repeating ourselves. I am sure that everything has been said here, especially by the NDP party, something that they are repeating has been said in the House already.

Mr. Swart: NDP, not NDP party.

Mr. Piché: Now, NDP or whatever. That depends on whether you are French or English. In any event, I feel that this is important, that we get on with the business while we are here in this committee, to go clause by clause, so we can report back to the House. This 20 minutes, I personally feel, and that is why I brought the amendment, is important in this particular case. We have seen what is happening here right now, the waste of time, and we are not getting anywhere, so we have to do something.

5:40 p.m.

Mr. Mackenzie: On a point of order: The waste of time may be the perception of the member, but that is all it is and that should be clearly put on record. We do not see what is going on--

Mr. Chairman: That is not a point of order at all. Mr. Piché.

Mr. Piché: That is exactly what I mean. This is exactly what has been going on. I think it is important in this particular case that we get on with the business while we are here. We are interested in doing that and we have to move on. I feel it is very important. Again, I would like to mention what I have just said, that it is for this particular case that this amendment is brought.

Mr. Chairman: Mr. Swart is the next speaker, but if I may, before Mr. Swart starts, doing a little anticipating by the chair, we are now within 20 minutes of six o'clock. Our mandatory instructions from the House are that we must end at six and we will end at six. Therefore if we do have a call to gather members within this time, it will not go past six o'clock, it will go over until following routine procedures tomorrow. In case somebody wants to try to run the clock, or do whatever, I want to make it understood what I am going to rule at six.

Mr. Swart: I just want to point out to the committee the importance of opening statements on a bill like this. Undoubtedly, there is going to be a multitude of amendments. I think it is terribly important that each party give its views in outline of what it intends to do so that the committee as a whole knows the direction that it can take.

They might be able to do that in 20 minutes; they might not. I think that it is pretty essential. I sat on the the Planning Act, and I think we had 120 amendments altogether. The direction that was given at the beginning by opening statements was pretty important. That is what the various parties will be doing, working within the context then of knowing what the thrust was. More than that, I want to emphasize something that had been said by the speakers in my party who have already spoken, and that is the matter of a precedent.

In this particular case, the mover of this motion has said that twice. He may be right, in this particular case, but no motion is passed in isolation. I think evidence of that is here at the beginning of the question asked by the member for Scarborough West. What is the precedent? He could not give a precedent. But once there is a precedent, the motion here will determine policy for committees in the future.

You are not doing it in this particular case. You are setting a precedent. I suggest that that is a very dangerous precedent that all parties in this House will live to regret if they set that precedent at this particular time and think they are setting it in isolation.



Mr. Sweeney: I would just like to say substantially what Mr. Swart just said. I have been in the Legislature long enough to know that, like our courts, things that are done at one point in time tend to come back to haunt you. We know over and over again in this place that once you have done a thing, once it has been established, once the practice has been carried out, then whether we like it or not, it does become a precedent.

There have been times in this debate, as in many other debates, when I have been as frustrated as many other members in this room and would very much have liked to cut things off, but I had been forewarned by my more experienced colleagues in this place that you do not do anything around here just once. Once is only the beginning.

Things can change around here in a matter of a few years and we all need to be conscious of the fact that what we do today, however appropriate it may seem, may be very, very inappropriate tomorrow. I caution my colleagues in the governing party not to let this motion stand. It is not worth the price that we were asked to pay.

Mr. Chairman: Mr. Wildman? You all look alike after a day like this one.

Mr. Wildman: You are unique, Mr. Chairman.

Mr. Chairman: No, I look alike too.

Mr. Wildman: I listened carefully to the comments of my colleague from Cochrane North and I think he is quite genuine in his desire to get on with it. I think I understand what he really is saying. But when one moves a motion to limit debate to a certain time, one is then--

Mr. Piché: It's not debate; it's opening statements.

Mr. Wildman: Opening statements, all right. Once you do that you are basically saying that the opening statements for the government or the opposition members are not important enough to be able to stand on their own.

You are basically prejudging the opening statements and saying they are only worth a certain amount of time. How do you know that ahead of time? How do you know that the minister, when he comes in, if a minister is invited to participate, will not want to spend more than that amount of time? You do not know that; I do not know that.

Mr. Piché: Now let me say that there is a possibility that you can say pretty near everything you want to say in 20 minutes--in fact, in 15 minutes. You can make a good speech in 15 minutes; you can say everything you have to say.

Mr. Mackenzie: If you have nothing to say that may be true.



Mr. Picné: That is your opinion. I'll go back from another precedent; in 20 minutes you can say everything you want to say, on any day.

Mr. Wildman: I'm sorry, I have heard many speeches in the House from members of all parties, and on some occasions very short speeches are more effective than long speeches. On the other hand, I have heard some very eloquent presentations from members of all three political parties that have gone on for much more than 20 minutes, on some occasions even a few hours.

Mr. Picné: And didn't say anything.

Mr. Wildman: Again, I have heard many people saying things on points of order in the House, getting up on points of order and spending longer on their points of order than when they have actually given a speech. I think the member for Cochrane North will know what I am talking about.

I don't think you can judge the length of speeches beforehand. I really do not think it is a good idea to prejudge what is going to happen or what is good or not good for speakers in the committee. This is a bad precedent, as I think the members for Kitchener-Wilmot and Welland-Thorold both indicated.

Mr. Wrye: Very briefly, may I suggest, we will have some time over the next few hours for you and for the government members to give some consideration to your motion since we probably will not vote on it before six o'clock.

Mr. Picné: Why not? We have still got 15 minutes to go.

Mr. Wrye: If we do have that period of time, I would ask the member for Cochrane North and the other members to give some thought, perhaps place a telephone call or two to his colleagues and friends in the Conservative caucus in Ottawa, and to ask them how they might view an attempt, while the committee is going on, towards ad hoc parliamentary reform.

It may well be, and my friend from Kitchener-Wilmot and I were just discussing this, that at some point in the future all parties of the government will sit down and decide that some of the rules of this Legislature are archaic and that we should be streamlining a number of areas, that there would be areas of give and take on all sides.

The more I hear the argument about the precedent, the more I feel it is indeed, and my friend from Kitchener-Wilmot has made the point, a little dangerous in the heat of battle to make a decision which any one of us may regret in the day and years to come. I would hope, given that, you might consider withdrawing that, or if you don't, that the government members might reconsider the implications of this motion.

Speaking very briefly to one other aspect, to where we are at at this point, it is a little unnerving for all of us to think

that this is the government member's first effort, having said no to virtually every request from both opposition parties over the last two days. It does not, in my judgement, bode well for the next days and perhaps weeks to come in terms of the government's willingness to compromise.

5:50 p.m.

I would remind the member for Cochrane North that I can count as well as he; I can count 70 and 55. But, and it is an important but, a majority government with a minority of votes is just that, a majority government with a minority of votes. I urge you to keep that in mind. You are voting 44 per cent, and not some 55 or 60 per cent.

Mr. Piché: I certainly will not withdraw the amendment. Because I thought of it, I know the importance of it and I know what is going on right now. We have to show some intelligence, but I would like to bring it out--

Mr. Wrye: You have had all day.

Interjections.

Mr. Piché: I would like to point out to the committee, because I think it could become important tomorrow--it is obvious that the opposition will run the clock--I will not be here tomorrow at two o'clock because I will be up north with the Honourable Larry Grossman, so I thought I should put that on the record.

If you don't see me at two, it is not because I had no intention to continue. I am hoping that my colleagues here will continue pursuing the amendment I have put on the floor. I am aware now--I was hoping to vote, even if we took 20 minutes and come back at 6:10 or 6:15, but this is not going to happen. I will not be present at two o'clock, but I will be back here at eight o'clock in case it is still being debated.

Mr. Mackenzie: I suppose an appeal to the member once again is useless.

Mr. Chairman: Right, and also repetitious.

Mr. Mackenzie: Hang on a minute, it is not repetitious yet. I am simply saying to him that what he has just said confirms the earlier comment I made. He is operating out of his own frustration because he knows what is going on and what we are doing around here, as he said. That is a very poor reason to move a motion. I am not saying that. I am saying that is a very poor reason to move a motion.

I suspect, Mr. Piché, that your colleagues in the federal House, for example, would be appalled at someone moving such a motion, that they be limited in opening statements to 20 minutes.

Interjections.

Mr. Mackenzie: I am dead serious about that. I suspect that you would find the Tory whip, Mr. Kempling, and some of the other officials and some of those who sit on committees would be just appalled at that kind of limitation because of what they face from the federal--

Mr. Wildman: The member from the Yukon would certainly be opposed to that motion.

Mr. Mackenzie: There are some dangers in it. There is seriously the question of precedent. My background, all my life, has been almost totally in the trade union movement, but I can tell you that when you finally are nailed to go into arbitration you are looking for precedents, and anybody that is on a board is looking for precedents, and whether you think it counts or not, that is what guides you and that decides what kind of decision you are going to get.

On this one little issue here, I have heard more sense made by some of the people speaking to it than on an awful lot of what we have discussed so far in this committee. I think the member for Kitchener-Wilmot was right on in the comments he made.

I think his colleague was pretty quick to do a double take on it and realize what the hell is at stake on this. I just think it is a very dangerous move and that the member should recognize that. I really hope that this will not be carried through, and that there will be some consideration by the member involved.

Mr. R. F. Johnston: On a point of order: We cannot allow the member for Cochrane North not to be here tomorrow. I think he should cancel his trip with the minister--

Mr. Chairman: That's not a point of order.

Interjection: Fight this battle, René.

Mr. Piché: Could I suggest--

Mr. Chairman: No, you may not.

Mr. Piché: --that we adjourn now? We should move out of here before six o'clock when the ceremonies start.

Mr. Chairman: Mr. Foulds has the floor.

Mr. Piché: Mr. Foulds, I know, will agree with what I was just saying.

Mr. Johnston: We were agreeable until we heard that, but--

Mr. Piché: We have got five minutes. We should get out of here before they start the ceremonies.

Mr. Chairman: We cannot move. The House has given us instructions to sit until six o'clock.

Interjection: There is this thing called standing orders and rules--



Mr. Chairman: We cannot adjourn. We are under the mandatory instruction of the House to go to six o'clock. Mr. Foulds, you have the floor.

Mr. Foulds: We indicated some time ago a willingness to adjourn earlier. It was the parliamentary assistant who insisted that we sit through until six o'clock, to use every available moment. I just want to say two things here. First, the member from Cochrane North said they know what is going on here.

Well, what exactly is going on here? What is going on here is a debate between those who have a majority and would want to ram through this legislation without full and open and frank debate and those who want to extend the debate on this bill. It has been said, I believe, by Edmund Burke, whom all Tories will recognize and revere--

Mr. Chairman: He was the member from Oxford back a few years, wasn't he?

Mr. Foulds: --that every piece of legislation is an infringement on human freedom and action. The piece of legislation we have before us is in a very real sense a restriction and an infringement on peoples' actions and rights that we had previously legislated.

I would find it very disturbing if, in passing that legislation, which does that to the public out there in the province, we allowed this very same thing to happen in our processes here in the Legislature. It has always been my understanding that democracy was the rule of the majority, but only in so far as the rights of the minority were upheld.

What is happening here is that the legislation itself does not uphold the rights of the minority. The legislation itself takes away rights from a minority of people--500,000. This motion, which I believe is out of order because the mover is not here, also infringes on those rights.

In terms of the recent debates we have had in this Legislature, the last economic package that was brought forward by the Treasurer was the sales tax bill. As I recall, it was the Treasurer himself who requested time to make an opening statement before the standing committee of this House and the committee generously granted that time. There was no quibbling from the committee about how much time the Treasurer could have. There was no indication that we would limit the Treasurer's time on a leadoff in committee on that very contentious legislation.

It seems to me that if that were the action and the precedent of this committee on a bill that was of fundamental economic importance to the Treasurer and to the province in this session of this House, then that should be the rule that we apply to this bill, which is only the second piece of economic legislation the Treasurer has brought forward of major importance this session.



I think it is a very bad precedent, and as much as the member for Cochrane North may say he does not wish it to be a precedent, that he expects it to apply only to this bill in this committee, then I must ask him in his absence, why apply it to this bill?

Mr. Jones: He already told you that.

Mr. Foulds: If the parliamentary assistant feels it necessary to speak on behalf of the member for Cochrane North because he is not present, then why this bill?

Mr. Chairman: Looking at the clock, even at a bad angle, it appears to be six o'clock. We will adjourn until tomorrow following routine proceedings.

The committee adjourned at six o'clock.



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

INFLATION RESTRAINT ACT

THURSDAY, NOVEMBER 4, 1982

Afternoon sitting



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breaugh, M. J. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Elston, M. J. (Huron-Bruce L)  
Eves, E. L. (Parry Sound PC)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Stevenson, K. R. (Durham-York PC)  
Swart, M. L. (Welland-Thorold NDP)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitutions:

Bradley, J. J. (St. Catharines L) for Mr. Elston  
Cooke, D. S. (Windsor-Riverside NDP) for Mr. Swart  
Kennedy, R. D. (Mississauga South PC) for Mr. Piché  
Mackenzie, R. W. (Hamilton East NDP) for Mr. Breaugh  
Roy, A. J. (Ottawa East L) for Mr. Breithaupt  
Williams, J. R. (Orillia PC) for Mr. Brandt

Also taking part:

Jones, T., Parliamentary Assistant to the Treasurer of Ontario and  
Minister of Economics (Mississauga North PC)  
Laughren, F. (Nickel Belt NDP)  
Mitchell, R. C. (Carleton PC)  
Renwick, J. A. (Riverdale NDP)  
Stevenson, K. R. (Durham-York PC)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Clerk: Arnott, D.



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Thursday, November 4, 1982

The committee met at 3:36 p.m. in committee 151.

INFLATION RESTRAINT ACT  
(continued)

Resuming consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: I call the meeting to order, gentlemen, there being a quorum in place. The clerk is handing around typed copies of these motions, amendments and subamendments. He did so at my request because the others were in handwriting and we were getting a little confused.

Mr. Cooke: Does this one have Mr. Wrye's name, Mr. Chairman?

Mr. Chairman: No. I do not see Mr. Wrye's name at all.

We ended up yesterday at six o'clock with Mr. Foulds speaking. Mr. Foulds was the final person speaking, therefore we are ready to vote upon Mr. Piché's subamendment.

Mr. Wrye: I call for a recess.

Mr. Chairman: Fine. Mr. Wrye has asked for a recess. Of how many minutes, Mr. Wrye?

Mr. Wrye: Twenty minutes.

Mr. Chairman: We will have a 20-minute recess which will be until 3:57 p.m.

The committee recessed at 3:37 p.m.

3:57 p.m.

Mr. Chairman: Gentlemen, it is time to vote. The clock is past 3:57 p.m. Do you wish a recorded vote?

Mr. Cooke: I think we should change the motion, that the bill be not reported now.

Mr. Chairman: Do you wish a recorded vote? All of those wishing to vote will please respond to the clerk.

The committee divided on Mr. Piché's motion which was negatived on the following vote:

Ayes

Mitchell, Stevenson.

Nays

Bradley, Cooke, Mackenzie, Roy, Wrye.

Ayes 2; nays 5.

Mr. Chairman: Mr. Mackenzie moves that the amendment to the motion be further amended by adding, "This committee requests Jack Biddell, chairman-designate of the Inflation Restraint Board, to appear before the committee before clause-by-clause deliberation on Bill 179.

Do you have that in writing?

Mr. Mackenzie: I do.

Mr. Chairman: Would you please circulate it? Carry on, Mr. Mackenzie.

Mr. Mackenzie: Mr. Chairman, I think the purpose for Mr. Biddell being before the committee is maybe not quite as key as having the Minister of Labour (Mr. Ramsay), whom the government seems to be afraid to have before the committee, but certainly it makes a great deal of sense. In this legislation, we are giving more potential authority to one man than we have seen in a long time in Ontario. I do not know about anybody else in this committee, but when somebody has the authority to make rulings without a hearing and without any written reasons, it scares the living bejaysus out of me. I just do not think it is proper.

It seems to me that there are a number of questions this committee should be asking Mr. Biddell. I do not know whether anybody else has been doing any checking or reading on the person we have decided has got this kind of authority, but if you have not, you certainly should be doing some.

We started to take a quick look at what we might expect. I think one of the things that is absolutely essential is that we can expect impartiality at least; we are not going to get justice, given the nature of the legislation. The material on Mr. Biddell goes back to about the time of the Anti-Inflation Board period, before and after. There are two or three things I think the people here should be aware of.

A Maclean's article in 1975, "Debunking the Propnests of ...," by D. J. ... in a ... that specifically involve labour. He has called for industry-wide bargaining. He makes the comment in this article: "For unions the answer lay in industry-wide bargaining; for companies it lay in dominating the market so completely as to largely remove the threat or competition. Now whenever a union wrings an increase from a major corporation, the increase becomes automatic all across the industry." It is far from fact, but it certainly raises questions.

In the paragraph preceding that, he makes the comment that union leaders are in the business of making ever-larger wage demands. He has a number of other interesting things to say. While I do not intend to get into them in particular, he makes a very interesting point in that same article when he says: "Two of the factors that are levering costs up in this country and are helping to justify the wage demands that add to the problems are high interest and increased energy costs."

It makes you wonder. This is the justification. It would seem that here he might be a little more favourable. He may be making that case that it is not wages at all. They are only following the other items in our society. It certainly raises a number of serious questions.

All through his article, in effect, he takes on the trade union movement. As I say, there are some interesting economic comments. Multinational corporations get part of the blame but more than anything else it is the trade union movement that is the clear culprit. That is an article in 1975 by Mr. Biddell.

If we are going to give Mr. Biddell the kind of power we are giving him in this act, is that the kind of person we want?

Mr. Jones: Is that 1975?

Mr. Mackenzie: That was 1975. We have got some further reading we may get into along the way, but there are some very interesting comments from this gentlemen we are giving this tremendous power to. I would like to see Mr. Biddell before this committee to answer a few questions as to just where he stands in terms of the relative power of companies and unions and whether or not he still believes some of the things in this article that really are a bit of a myth.

I got a kick out of the final paragraph in this particular article in which he makes a number of rather sweeping charges and statements, both about the economy and about unions, but then ends it up saying: "If I have done nothing else in this article, I am sure I have demonstrated that as an economist I am indeed an amateur." These kinds of comments from the person we are putting in charge of this board boggle my mind.

Is it or is it not a proper and common sense request to have him before here for a couple of hours to try to find out exactly what his philosophy is and whether or not we can expect impartiality or justice there? I would like to know, for example, from Mr. Biddell, who served on the Anti-Inflation Board, which wasn't nearly as tough and hidebound as this legislation is, what he thought of the inflation. The inflation, he is going to tell you, is not a bad thing. That would be a very odd way to think about it considerably.

I just think there is a case that can't be denied for having Mr. Biddell before this committee before we get into clause by clause.

Mr. Cooke: Along with my colleague, I have looked at a few of the comments Mr. Biddell has made over the last few years. Before I quote some of them, I hope the Conservative members of this committee will at least see the logic in asking Mr. Biddell to appear before this committee. The most important person in this entire program is the individual who will be chairing the Inflation Restraint Board.

We, as legislators, should have the opportunity to discuss with him his philosophy; his background; his ideas on how the legislation could be improved or his philosophy of how inflation can be controlled; the role of government in our economic recovery proposals; what he believes are the true causes of inflation in our province and in our country.

I think there are probably many precedents of individuals who head up boards and commissions for this government coming before legislative committees to discuss how they envisage their board or their commission operating under the legislation which gives them the authority to operate. To me, it's a logical request. I'm surprised one of the Conservative members didn't suggest that this individual would come before the committee in order to discuss these matters.

If they don't have any confidence in the Minister of Labour to appear before this committee, certainly they would have confidence in this individual to discuss with members of the Legislature and to have his comments reported throughout the province.

I found it interesting that this morning there was a brief discussion of how this committee will proceed over the next short while. I understand the government has enough confidence in the Deputy Minister of Labour to appear before this committee but no confidence in the minister to appear. I found that a rather sad commentary on their own Minister of Labour. I would hope the Conservative members will support this motion. Perhaps we won't need to have a long discussion on it if Mr. Jones or one of the other members of this committee simply indicates, yes, they are willing to support this motion.

Just to give you an idea of the philosophy of Mr. Biddell, let me introduce some quotes from an article that appeared in a January 1980 issue of the chartered accountants' magazine. I'll quote from it. This is Mr. Biddell. "Simply put, high inflation is a continuing unacceptable rate of increase in the prices we have to pay for the goods and services we consume. To contain inflation effectively, we must slow down the rate at which prices are increasing. We must control prices.

There is no doubt that while we just want the UK and the US and Canada did under our respective anti-inflation programs in the last five or six years. The fact is that except for a very brief temporary price freeze in the UK and in the US programs, none of us did. We did not control prices. We attempted to control some profit margins and we controlled wages and salaries and we controlled dividends, all in the hope that by doing so we would



inhibit price increases. Our efforts had some success, but not nearly what we might have had and could, in fact, achieve now if we set about it in a more direct fashion by directly controlling price increases.

"My major concern is the futility and regressive effect of attempting to achieve price control through profit control. In my opinion, this approach greatly limits the effectiveness of any inflation control program."

4:10 p.m.

Biddell refers to the profit control approach as "a price control system that meets its political and administrative requirements far more effectively than it meets its prime objective to contain price increases." One of Biddell's concerns is the larger manufacturers. He says: "The third category includes the majority of manufacturers and most of the service industries. Although influenced to some degree by competition, this is the group with the greatest ability to pass on to the public its additional costs, plus a profit margin, simply by raising prices. If we are to contain inflation in Canada, this is the group whose prices must in some fair but effective manner be directly controlled."

Based on those comments, I would like to ask Mr. Biddell if he would not agree that the first sections of this bill that go about to control the wages of 500,000 employees in the public sector of the province should be controlled or whether we should simply introduce a system of controlling prices that would have a direct effect on inflation and therefore would, in the long run, have an effect on wages as well. He seems to be saying very clearly that wages follow prices. Therefore, wages can and will be controlled when prices are controlled. Wage demands will come down as inflation comes down. That seems to have been the history and that seems to be what Mr. Biddell is saying in these comments.

On the wage side, Biddell, who also apparently favours wage controls, states: "Controls on individual incomes will obviously help contain inflation because incomes are a basic element of prices. While, in my opinion, the 1975-78 income controls in Canada performed their function very well, it is difficult, if not impractical, for a government to control individual incomes in a manner that is perceived to be both fair and effective. In my view, government involvement in setting wage and salary levels should be limited to establishing fairly detailed guidelines. Enforcement should be left to the discretion of the employers with strong incentives built into a plan to persuade them to do it effectively."

I would like to ask Mr. Biddell if he would not agree that a fair wage--if his philosophy had changed--that if he had changed his philosophy hadn't changed, then I guess I'd like to know how he could possibly feel comfortable as chairman of the Inflation Restraint Board in this province.

I think it's an extremely reasonable request for this committee to ask that Mr. Biddell come before this committee before we enter the clause-by-clause discussions, to have a lengthy discussion with him on his philosophy--on how he sees the board operating; on what his projections are on the effects of this restraint program on inflation in the province; what his ideas are on the fairness; and how he will handle the extreme powers he has been given under this legislation.

Before we can vote on this legislation, I would think even the Conservative members would want to talk to this man to see whether they can put their faith and their trust and give him all these powers, as some members of this committee seem to be so willing to do and wanting to do so quickly without even discussing it. I hope the Tory members will support this very reasonable amendment to the amendment to the motion.

Mr. Jones: I'll be very brief, Mr. Chairman. I appreciate the comments Mr. Mackenzie and Mr. Cooke have shared with us as to why they feel Mr. Biddell should come before the committee. I would think they are no less sincere than they were about the restriction of the 20 minutes.

This does tend to sound an awful lot like an echo to me of the types of arguments they were making and putting forward yesterday. They used the same arguments in their comments today asking for the Minister of Labour (Mr. Ramsay), as they did yesterday asking for the Chairman of Management Board of Cabinet (Mr. McCague).

I mentioned the accessibility and the other processes available to the members for knowing or finding out the philosophy and getting some answers from those individuals. For example, the Chairman of Management Board is presently undergoing--I forget the original number of hours--a fair number of hours with his ministry estimates. In fact, I believe they are in the House and are on again tomorrow. There are two or three hours still left to go. I do not believe anyone--

Mr. Cooke: He cannot be at two places at once.

Mr. Jones: I know, but there he is, totally accessible, while the allegation has been that the government is somehow shielding these people from being available to answer questions that might relate to the types of things we are dealing with in Bill 179.

Mr. Cooke: Just Ramsay.

Mr. Jones: Well, he did not say just Ramsay yesterday. He was debating whether Mr. McCague should attend. I was also curious whether the arguments about Mr. Biddell or Miss Barnes, or whoever, are not along the same lines.

The Minister of Labour has 22 hours coming up in his estimates and he is going to be available through that time. I am

a little disappointed to hear some of the allegations by Mr. Mackenzie as he reads back in articles of 1975 and attaches the suspicion that this man charged--yes, admittedly--with this tremendous job of responsibility is anti-labour. I question some of the questions he was raising. The man has a very high respect, as you well know, in the many sectors of our economy and it is well known the distinction with which he serves in his role as chairman of the Inflation Restraint Board.

I find myself wondering if we are still not in an extension of the game rather than having the sincere desire to use whatever vehicles are available to ask questions of the people who might have a part in Bill 179 as it affects the different parts of our economy, the various ministries and the individuals in this case who will be a part of the workings.

We ought to be getting on with the job we came to this committee to do, to hear the delegations--which we have heard in large measure--and get on with the clause by clause. For my part, I am opposed to the amendment to the amendment Mr. Mackenzie has presented. I look forward to getting to the actual first motion that still remains to be debated and voted upon.

Mr. Bradley: Speaking in favour of the amendment to the amendment, or whatever we are calling it now, I feel it would be very useful--

Mr. Chairman: Mr. Bradley, you must speak exactly to the amendment to the amendment.

Mr. Bradley: That is exactly what I am speaking to.

Mr. Chairman: I am sure you know what it is.

Mr. Bradley: I am absolutely certain of what I am speaking to--having Mr. Biddell come before the committee.

It would be a very useful exercise to have him before the committee to discuss this because of the many areas of contention in this bill. Many of the representations which were made to the committee by those who took the time and opportunity to come forward were concerns about the power that this individual would have and how he might exercise the power.

You will note that in amendments which have been announced to be placed before this committee that we expressed a great concern about the power he would have in terms of not having an appeal. We are concerned that he and his Inflation Restraint Board should have the power to be able to review, upon request, any price increase which would come within the purview of the legislation. We would like to discuss that with him.

We would like to discuss with him his opinions on the advisability of having written justification for any of the decisions that are made by the board. We would like to discuss with him an appeal mechanism for decisions of the board. We would like to discuss with him the need to have a mechanism whereby people can bring to the board the special circumstances they are



confronted with in terms of Bill 179. We are concerned that we should have an individual who is prepared to be, at the very least, as tough on prices as the legislation indicates he has to be on wages, salaries and other forms of compensation.

4:20 p.m.

I think it is a reasonable motion. I would be hopeful that the government members of this committee would recognize it as an asset by having this gentleman before us rather than a liability and that he might be able to clear up some misconceptions which might exist, or he might be able to elaborate on what he feels his role might be and might well have an influence on changing the minds of certain members on amendments put before the committee. On that basis, I would support Mr. Mackenzie's amendment to the amendment.

Mr. Mitchell: Are you ready, Mr. Chairman, for the last speaker?

Mr. Renwick: Mr. Chairman, I am rather surprised that Mr. Jones does not appear to understand that this motion by my colleague Mr. Mackenzie is significantly a different motion and is not a repetitive motion based on any prior motion that has been put. It speaks to a specific and separate issue. It is not our interest in any way whatsoever to lay one motion on top of another just for the purpose of satisfying our own particular interest in writing them out.

This speaks to a separate issue and must be dealt with as a separate issue. It bears no relationship to the previous ones, all and each of which had their own particular rationale. I do not think there is any need to labour very clearly the distinctions that are involved in it.

Suffice it for me to say that the government, in its wisdom or lack of wisdom, has the Treasurer (Mr. F. S. Miller) introduce a bill into the assembly, for which he has the carriage but no responsibility. There is absolutely no residual responsibility on the Treasurer, who is carrying the bill through the assembly and through this committee. If you look carefully through the bill, you do not find the Treasurer's name mentioned again in the bill. There is nowhere that I am aware of where the Treasurer is mentioned other than that he is to receive a copy of the annual report. That is all.

On the face of it, it is absolutely ridiculous that a minister should purport to introduce a bill into the House, establish a tribunal dealing in part II with areas where the minister has no responsibility, of which he has no knowledge and which he is not competent to deal with, namely, matters related to public works, highways, etc., and so on.

Mr. Jones: The Treasurer did point out that Dr. Elgie would attend with him.



Mr. Renwick: I understand. I recognize that. I am speaking to a different point. I am speaking to the point that this tribunal in so far as it is a tribunal dealing under part II with wage restraint is totally non-accountable--I am getting elliptical like the Premier--it is not accountable to anybody once it is appointed. So far as part II is concerned, there is no minister of the crown before whom, in his estimates or anywhere else, we can say, "Look, you are charged, as minister, with the administration of this tribunal." I do not need to draw too many analogies.

The Ontario Securities Commission is very clearly the responsibility of the Minister of Consumer and Commercial Relations (Mr. Elgie). When his estimates come before the assembly and the money has to be voted, we have someone with whom we can deal on the wisdom, or otherwise, of what is being done.

There is no such minister responsible in this bill for this board in so far as it deals with wage restraint matters. Presumably, that is the fundamental and basic reason why we wanted to have the Minister of Labour. Regardless of what conception one has of a Labour minister in a Conservative government, one aspect of his work is a concern and an interest in the functioning of the collective bargaining system. Yet we have the Treasurer, who has no responsibility in that area, saddled with the responsibility of bringing through a bill establishing a tribunal which, so far as part II is concerned, has nobody named as the person who is responsible.

At least under part III, one can spell out some kind of a theory that somehow or other, perhaps because of the role being played by the Minister of Consumer and Commercial Relations, and he being the trigger person in part III, that perhaps something can be said that there is a degree of accountability because it is the minister who triggers the actions that are involved under part III so far as this tribunal is concerned. It makes very good sense. I am surprised that it took so long to get the government to accede to the proposition that the Minister of Consumer and Commercial Relations would be here during the clause-by-clause discussion of the bill.

Mr. Mitchell: Mr. Renwick, it was identified very early on that the minister himself intended to be here during the clause by clause.

Mr. Mackenzie: What happened to the Minister of Labour?

Mr. Renwick: That was not said during the debate. It was not said anywhere during the course of the discussion. The point was not made until the bill was introduced. It was not made until the bill was introduced. It was not made until the bill was introduced. It was not made until the bill was introduced. I have made that point sufficiently.

I only wanted to point out to Mr. Jones that I trust the proceedings of this committee, as it goes into the work which it is involved in doing with respect to this bill, will take into account our fundamental opposition to the bill and understand that

our fundamental opposition to the bill is based on matters of principle and has nothing to do with some kind of a game we are playing. We are just not interested in that.

If I can turn now to the matters related to the actual amendment of my colleague Mr. Mackenzie, I want to make a couple of points about it. They follow very closely the comment which I made. Mr. Mackenzie has moved that this committee request Jack Biddell, the chairman-designate of the Inflation Restraint Board, to appear before the committee before clause-by-clause deliberation on Bill 179.

Mr. Jones: You do agree, Mr. Renwick, that it is an overall economic bill when you are asking the question about why the Treasurer would be carrying that bill.

Mr. Mackenzie: It is open to serious question.

Mr. Renwick: I do not know the answer to that, Mr. Jones. If it had stood in the Premier's name, being a matter of such immense importance, and if the Premier had come here, that would have been quite different. When we consider the anxious consideration that we were informed took place all summer about how this matter would be brought before the assembly, it may well have been very valuable on one occasion in the course of this parliament for the Premier to appear with the bill.

No matter now you designate the bill, I cannot understand in a system of responsible government now the minister who has the carriage of the bill receives the annual report at some point in time as his only other function.

Mr. Chairman: I am sorry, Mr. Renwick. I have to bring you back to Mr. Biddell.

Mr. Renwick: I do appreciate your doing that.

Mr. Chairman: I do feel it is incumbent upon me every so often to remind the people of the subject we are dealing with.

Mr. Renwick: I was asked a question and I was trying to answer it.

4:30 p.m.

Can any committee member conceive of a system of parliamentary democracy where, on a bill going through committee, one of the recognized procedures of the House, we are asked to appoint a board and when the chairman of that board has been named, there is no crown minister to whom that chairman is responsible and this committee defaults in having the bill brought before it.

How ridiculous it would be to read in a history book somewhere in political theory that a committee of the Legislature, knowing that Mr. Jack Biddell was going to be chairman of this particular tribunal, refused to have him appear before the committee to discuss his understanding of the implications of the bill and, incidentally, a number of other matters.

I want to address, first of all, the question of accountability. Under part II, the chairman or the Inflation Restraint Board is not accountable to anybody in the parliamentary process. The only recourse that is available is for the cabinet to remove him from office. That is all. He does not have to come before any committee of the assembly on any occasion to discuss anything of any consequence whatsoever. There is certainly no procedure by which he can come before the assembly and be questioned about what is going to be done. We are going to be reduced to reading his annual report. The annual report of most ministries or most bodies is mere descriptive material, not a matter of any great substance.

If we were even to have him before one of the committees on the grounds that the annual report was referred at some point down the road, we all know that is a minor rule, an important rule, but a minor rule and one of the few rules which permits the opposition to question somebody or to have a matter dealt with in a committee in opposition to what the government of the day may wish that committee to consider. We are always hamstrung when we attempt to use that.

My colleague has referred to the article in Maclean's. It is not the only article that Mr. Biddell has written nor is it the only speech he has given. There is a consistency in the addresses which have been made by Mr. Biddell from the time that he became a public figure, as distinct from his role as a chartered accountant, specializing in reorganizing corporations that have run into financial difficulty. He would be the first to say that was his background, that he has a great wealth of experience about the difficulties of corporations. That does not make him either an economist or an expert in collective bargaining or knowledgeable in that field.

If you read his statements, I would think any member of this committee would think that it was a necessary part of our function to have that chairperson-designate before the committee, not only with respect to part II, but also with respect to part III. While he will be under somewhat more control of the minister under part III, he is under no control under part II.

I would think that we would all be interested in what his background experience was. I would think every member of this assembly, if this bill were to be passed, would want to know what his experience and background was. I think we would want to have some sense of what knowledge and background of knowledge, let alone experience, he brings to bear on the very profound questions which he is going to have to decide, particularly when he is going to be given, if the government has its way, carte blanche not even to give reasons for the decisions which he makes.

Surely we have an obligation, as members representing our constituents--all of us have members of the public service of Ontario amongst our constituency--and we owe it to them, as individuals, to say, "Who is this czar who is going to be the person who is given these tremendous powers and tremendous authority?"



You must remember that the chairman designates which other members of the board do anything. The chairman is the one who decides what is going to be done. Then there is this infamous section which allows him to proceed with his own opinion, in no way trammelled by such things as a hearing or an obligation to write down what his reasons are. Surely we have that obligation. In the realm of natural justice it is known as the question of impartiality and bias.

I am the last person to accuse anyone of bias. I have my own biases and prejudices. We all do. I think it has to be a matter of public record that we explore with the chairman-designate the kind of biases he will bring to the decision-making process over which he is going to preside. One does not have to be a student of law to understand the very simple language of former Chief Justice McRuer in his Inquiry into Civil Rights, about the elementary factor of bias with respect to anyone who is in a decision-making position and the care and attention which must be given to making certain that the biases are known, that they are understood and that, if they are sufficiently strong, they are sufficient to disqualify a person in any matter.

I think we have an obligation to the people of Ontario to find out what is his understanding of the job which he is to bring about. Further I think we have an obligation to get his ideas of what his concept of price monitoring and price regulation may be. All of us sitting here can be certain the economic indicia the Minister of Consumer and Commercial Relations will be preparing will not be prepared in a vacuum. They will be prepared in very close association with Mr. Biddell.

It is totally unreal for someone to indicate that the Minister of Consumer and Commercial Relations, late at night in his study at his home, is going to sit down and scribble out the economic indicia and mail them registered to the chairman of the board and say, "Look, boy, you follow these." That kind of question is certainly going to be paramount. There may be people in the Ministry of Consumer and Commercial Relations and in other areas of the government where those economic indicia that are going to be used are already in course of preparation, and I think we ought to have some indication of what is the nature of that process.

This is not a process of taking one step after the other; these things are going on. The government knows that if it ultimately has its way the process will go into effect. This is not to admit for one single moment the government will have its way ultimately. There is a firm belief in our party that the pressure of public opinion and the wisdom of the government will lead it finally to withdraw this bill.

If we do not have Mr. Biddell here, the members of this committee will be relying solely on things like Who's Who for the man who is going to carry these matters into effect. I speak with some knowledge. I know Mr. Biddell and I have known him for something like 35 years. I have on occasion worked with him when I



was in the world of corporate finance and business. I venture to say that little as my knowledge may be at this late date I have a significantly greater amount of knowledge about Mr. Biddell than other people have. Because of that, I have been interested, as the years went on, to know where he stands on these matters.

We are desperately concerned about part II of this bill, let alone part III. We think some reason can be brought to part III, but nothing can be reasonable about part II. But the chairman has immense powers.

4:40 p.m.

My colleague referred to this article. This is not the only one; you can go to whichever of the new machines it is and type in the name "Biddell" and find out whatever he has written. There is a consistency flowing from his background and experience that is visible and will raise in the mind of any member of this committee certain questions whose answers they would want to know. Otherwise, we would simply be abdicating our position.

When you find persisting in those articles a sort of latter-day John Galbraithian attitude, we have to talk about them. When he equates the power of the labour movement in Canada with the power of the multinational corporations, as if in some way they are equal, then you have a serious question before you as to his attitude about trade unions. In our judgement, that is a total misapprehension of the relative balances of power in this society.

He throws out a partial list and without developing it has this throw-away item 3--that we must encourage company- and regionally-oriented unions. This is clear evidence of someone who does not understand the trade union movement or its role.

Mr. Mackenzie: That says it all.

Mr. Renwick: There is just no way in which a company union can be conceived of except in the very way it is designated--a company union. It is a little social group of workers who are under the complete domination of the company by which they are employed. The whole history of the trade union movement has been to get away from that kind of ancient benevolent paternalistic operation and get into the real world of protecting the interests of the working people.

One could perhaps go on at some greater length, but I am asking members of the committee to take the trouble to read volume 1 of report number 1 of Mr. McRuer, Inquiry into Civil Rights, on the question of bias. It comes at page 77. I am not going to read it. Anyone can read it. There may be other occasions when we shall have to go back to this question.

It was not too long ago that the Supreme Court of Canada disqualified the chairman of the National Energy Board--if I am correct about my recollection--on a question of bias. It was not that he was dishonest--it has nothing to do with dishonesty--but simply that his prejudices and his outlook on the world were such that he was not the kind of person who could exercise the kind of decision-making power that was required.

Anyone knows that many judges and many others well-versed in it will disqualify themselves because of a bias. I use "bias" in the same sense that we all have them. They are entitled to be up front and centre and we are entitled to know where they are and where they stand. It would be disastrous to the parliamentary process if we were to give a chairman such as that the kind of powers envisaged in this board, without even having him before us to explore his views in a calm, intelligent, useful way.

I know there are some members of this committee who believe that only the British system works and the United States system does not work, but I think all of us have respect for some elements of the American system. One of the prime requirements of the American system is that anybody who is being appointed to anything is required publicly to come before the Senate for the purpose of being questioned about his or her background, experience and biases. You know as well as I do there have been occasions when the nomination of a certain person has been withdrawn.

We do not have to adopt that process in a formal sense or to recognize the validity and wisdom of that kind of process. It would be an unbelievable dereliction of duty of the members of this assembly--in this Parliament in 1982--not to see the wisdom under our system of government of having the chairman-designate here. I simply urge each and every member of the committee to ponder the comments which have been made by my colleagues with respect to this question.

We simply must have an opportunity to meet Mr. Biddell, to talk with him about what his background has been, what his experience has been, what his impartiality is, what biases he has, what knowledge he brings to the job, what he understands his job to be and how he intends to carry it out. Other than that, I cannot conceive, assuming as I do that we are grown men, mature, and can exercise some kind of judgement, and it seems to me only reasonable, proper, essential and vital that Mr. Biddell be before us. I simply urge my colleagues in the Conservative Party to accede to this essential and necessary request.

Mr. Mackenzie: I have just a very brief additional comment. A letter I just received has some bearing on this. I understand that we cannot be repetitive, but I raise this because of the comments of Mr. Jones that something that was done in 1975 should not be held against somebody.

The point Mr. Renwick read to you was one of five suggestions he made dealing with inflation. It would be interesting to put all of them on the record, but I won't do that. The dealing with inflation is suggested as one of the things this committee should do. The first of his five suggestions was to encourage company- and regionally-oriented unions. I do not know whether that means anything or not to you people, but it is waving the flag as it has never been waved before in front of anybody who is in organized labour. It is saying what we should be doing is encouraging regional--that can cut across trade lines--and company

unions. My God, if there is anything we do not need to go back to in this country, that is it. Yet that was one of the five major recommendations made by Mr. Biddell to get our economy turned around and to stop inflationary aspects of it.

There is another reason Mr. Biddell should be here, and it ties in directly with a letter I just received from the Ontario Secondary School Teachers' Federation. I will read it and the covering letter both, just to put them in the record:

"Dear Mr. Mackenzie,

"Please find attached a letter from one of our districts concerning board action regarding a compensation item in a current collective agreement despite the fact that the bill is not yet law. Even under the bill, however, current collective agreements remain in force and are not subject to the Inflation Restraint Board.

"I would hope this matter will be raised, especially in the committee deliberations clause by clause, as an example of why we are so concerned over the process and its total abrogation of Bill 100 by Bill 179. It would appear that the Inflation Restraint Board, which does not have to give reasons or hold hearings, does not even feel bound by the legislation. I hope that you will address this matter as soon as possible."

The covering letter itself is one to Mr. Buckthorp, vice-president of OSSTF in Toronto from Mr. M. E. Morrison, president of district 18. It says:

"Dear Bob,

Thank you for being available to me last Monday morning. Since I had been summoned to the director's office on short notice I needed reassurance that my interpretation of Bill 179 coincided with that of the provincial executive. It was of no consequence, however, since we were informed that the increments of two of our members, who were to have received them in their October cheques, had been withheld. I informed them that this was a breach of the contract on two counts: firstly, because the bill had not been passed and, secondly, because by clause 11(a) in Bill 179 our contract was in effect until August 31, 1983.

"Then, working under directions from the Inflation Restraint Board in Toronto, they informed us that our interpretation differed from that of the government and that the director had to obey the laws of the provincial government. Grievance procedure, needless to say, is under way under the direction of our relations officer, Catherine Dikken."

Here we have the chairman already, apparently, with some serious question as to the legality of it, ordering the removal of pay increases from teachers' wages at this time. My God, I want some answers before we finish and I want some questions directed to Mr. Biddell, and he should be before this committee.



Mr. Wrye: Thank you, Mr. Chairman. If I might just pick up where my friend from Hamilton East left off, I have also had a chance earlier this afternoon to have a look at the same letter which was sent to the leader of our party and I have directed a member of our staff to contact the president of the local district to review the situation. From the letter as it is written, it would appear that the board is already making rulings, which are incorrect and are really quite arbitrary--

Mr. Mackenzie: And may be in contravention of the act as we have it.

Mr. Wrye: --and that may be in contravention of the act. I don't wish to prejudice the case until we have had a chance to review fully with the president of the district the situation as it now exists in terms of the collective agreement in district 18.

I do want to suggest to you that I think the motion is quite a proper one and the appearance of Mr. Biddell would be quite useful. I am particularly going to share the concerns that have been expressed by my friend from St. Catharines (Mr. Bradley) who has pointed out that the present powers of the IRB and of Mr. Biddell under section 3 of the legislation are really quite awesome. I think committee members on the government side and all sides are probably aware that we will be placing a number of amendments before you to reduce those powers.

I think it would be appropriate, given the fact that I can count as well as the next individual, to explore with Mr. Biddell the kinds of problems that may or may not be likely to arise should our amendment fail. Certainly the amendment will go, but I might tell you in all candour that it may lead us to some very difficult and lengthy battles on that amendment, because I simply think that the powers given to Mr. Biddell are absolutely and totally excessive and I am extremely concerned about how he would respond in the situations given to him.

I notice there is one amendment the government is offering in this area, but it is simply of a housekeeping nature in that, as I understand it, it will ensure that when one party asks for review, the other party will be informed. I would remind the committee members, for example, that for those at the lowest end of the scale who will receive a flat \$750 by the legislation and may receive an additional discretionary \$250, the person who will be deciding, at his discretion, on the \$250, without written reasons, as usual, will be none other than Mr. Biddell.

It seems to me, as the government members and all members will be aware, that witness after witness came before us, ~~and~~ <sup>and</sup> ~~one of the witnesses at the lowest end of~~ <sup>one of the witnesses at the lowest end of</sup> ~~the scale~~ <sup>the scale</sup> ~~in the private sector, and pointed out the total~~ <sup>in the private sector, and pointed out the total</sup> ~~importance of the issue.~~ <sup>importance of the issue.</sup>

Once again, many members will be aware that we will be offering an amendment, but given the intransigence of the



government thus far, I am not at all certain that the government will see the reason we are attempting to bring towards this legislation in this area. Given that our amendment may or may not pass, it would then fall back into the hands of Mr. Biddell to make the rulings on the extra discretionary \$250.

I would want to see and explore with him some of the rationale and some of the ways in which he will be making those rulings. Will he simply be doing it in an arbitrary way in terms of setting a dollar amount by which he will give it, or will he be looking at the patterns of other settlements, for example, in nursing home areas where a lot of the workers who will be caught by this legislation and who will get the minimum \$750, with the discretionary \$1,000, the extra discretionary \$250, might receive it as a sort of a catch-up to those nursing home workers who are right now, because of the fact they are organized or because of the fact that their contracts came into effect at a time when they didn't get caught as badly by this legislation? Maybe he would mandate an extra \$250 to narrow the gap between workers who are doing substantially the same work in different bargaining units or in a nonbargaining area.

There are really a large number of areas we would wish to explore, it seems to me, with Mr. Biddell. I don't really care whether we bring him in, as this motion states, before clause by clause or during clause by clause. It seems to me, with respect to my friends in the NDP, that we can explore quite fully when we come to the specific section in the bill the problems we may have. Due process is one, and we can explore that fully during discussion of section 3 of the legislation.

It seems to me, finally, that the comments of the member for Riverdale (Mr. Renwick), in view of Mr. Biddell's view on the price side and the role he will play in establishing criteria, also need to be explored at some point, either prior to clause by clause or during clause by clause.

It would appear that Mr. Biddell is clearly the key player in implementing the legislation. We have four very important people. They are Mr. Ramsay, whom the government will not bring in; Dr. Elgie, who is the line minister in charge of the price side; Mr. Miller, who is carrying the legislation; and Mr. Biddell, who is the czar of the Inflation Restraint Board.

It seems to me that it is entirely appropriate that we bring him in for those reasons, either prior to clause by clause or during clause by clause, to share with us his many views on these very important matters.

Mr. Chairman: Question?

Mr. Biddell: Yes, I will be happy to answer.

Mr. Chairman: Twenty minutes. It will be until 5:15 p.m..

The committee recessed at 4:58 p.m.

5:18 p.m.

The committee divided on Mr. Mackenzie's motion which was negatived on the following vote:

Ayes

Bradley, Cooke, Mackenzie, Roy, Wrye.

Nays

Harris, Kennedy, Mitchell, Stevenson, Watson, Williams.

Ayes 5; nays 6.

Mr. Cooke: If I may, I will move an amendment to the amendment.

Mr. Chairman: Mr. Cooke moves that the amendment to the motion be further amended by adding "that this committee requests the Minister of Education (Miss Stephenson) appear before this committee to discuss in detail those aspects of Bill 179 affecting teacher-board negotiations and relations in the province of Ontario."

That is a novel one.

Mr. Cooke: It is not on our list, but we have prepared it very quickly. We have an innovative mind here.

Mr. Bradley: How about Lorne?

Interjections.

Mr. Cooke: We will be inviting the Premier (Mr. Davis) also.

Mr. Chairman: Your amending motion appears to be in order. Would you carry on, Mr. Cooke, and give us the rationalization behind your amendment.

Mr. Cooke: Mr. Chairman, it was a number of years ago that Bill 100 was introduced in the Legislature, giving teachers the right to strike in this province after several struggles in various jurisdictions. As a former trustee on a school board, I have some very strong feelings about this subject. Over the years I have seen, after initial struggling and adaptation to the new environment in which negotiations were taking place in this province, how far we have really come.

Mr. Chairman: Now we, Mr. Cooke, for interjecting, will be proceeding to the next question on the agenda.

Mr. Cooke: Yes.

Mr. Chairman: Just so long as everybody understands when we will be stopping and that other work awaits them.

Mr. Cooke: I think it is fair to say, Mr. Chairman, that we may be breaking before then. In any case, as I was saying, the situation in the last 10 years with teacher-board negotiations and relations has changed considerably. I think a lot of progress has been made because of Bill 100 and because of boards and teachers' federations maturing in terms of labour-management relations under Bill 100.

I can remember how negotiations proceeded with the board of education for the city of Windsor the first time around with Bill 100 and how after many struggles that eventually turned into a three-year agreement with better relations between the Windsor board and its teachers than we have had in many years. That was thanks to Bill 100 and thanks to progressive legislation that gave teachers the right to strike.

Mr. Jones: Brought by this government.

Mr. Cooke: Yes, brought by this government after pressure from this party and pressure from teachers' federations and demonstrations in cities like Windsor where there was considerable pressure as a result of district 1, Ontario Secondary School Teachers' Federation. I have serious reservations and concerns as to what Bill 179 is going to do to the relations between boards and teachers in this province, to relations which, I believe, in many jurisdictions have improved because of a balance of power brought about by Bill 100.

I don't know how the the Liberal Party will vote on this resolution but I know how they feel about the right to strike with teachers. They have said several times that right should be taken away, that the board should be given the dominant power once again, and that teachers should be treated somewhat less than equal to the boards.

Mr. Roy: No, no. We are saying children first. That is what we are saying.

Mr. Cooke: I think, Mr. Roy, if you take a look at the case history of the Windsor board, you will find that by giving teachers the right to strike, the interests of the students are served because an equal and mature relationship develops and labour negotiations are carried out in a way that is beneficial to students.

Mr. Roy: Next thing you are going to tell me is that a strike is beneficial to children.

Mr. Cooke: No. Because of Bill 100, the elementary teachers, for example, negotiated with the Windsor board and secured it so that the children would not be affected. The quality of education to the elementary school students.

I don't think that would have come about without Bill 100 because the teachers wouldn't have had the equal power or a balance of power with the board and the board wouldn't have had to give in on that particular negotiating item. It is not always wages. Quite often, it is a quality of education that is being negotiated, more often, by the teachers in this province.



Now we come in with Bill 179 and take that right to strike away. We say teachers are going to be able to negotiate nonmonetary items. How they will negotiate nonmonetary items and have them settled is beyond me. I don't know how that will be accomplished. We know what will happen. Boards will simply say every nonmonetary item is, in fact, a monetary item, and even if they do describe it as a nonmonetary item, the boards can refuse to negotiate it under Bill 179 because there is no method of resolving those items in dispute.

The long-term effects, I believe, will set back teacher-board relations in this province to the years prior to Bill 100. The post-Bill 179 era will result in poor relationships with boards and teachers and will, no doubt, see some lengthy strikes. There is no doubt that members of the Legislature will be called upon by this government to examine back-to-work legislation for teachers because they will be trying to catch up both in the salary area as well as in the nonmonetary and working condition area.

The long-term effects will be that we will have two, three, four, five or perhaps even longer numbers of years of poor relationships between teachers and boards because of this bill. This bill will probably cost us much more in social terms than it will ever benefit anyone, if anyone can view this bill as a benefit to anyone in Ontario.

I think the Minister of Education needs to come before this committee and explain whether she supports this bill; how she thinks Bill 179 will affect teacher-board negotiations; how she believes she and the Education Relations Commission will cope with negotiations in the post-Bill 179 years; and what, if any, contingency plans she has in the post-Bill 179 years, what studies, what consultation--Did you want to get something on the record, Mr. Chairman?

Mr. Chairman: Not at all, Mr. Cooke. I yield to you. Did you have something you wanted--

Mr. Cooke: You can step down and the vice-chairman can take over.

Mr. Chairman: No, I was just asking Mr. Jones if he wanted more water. Thank you. Carry on.

Mr. Cooke: I think I have made the point that it is extremely important. I think we also need to have the minister come and justify why Bill 179 should even cover teachers in view of the Auld report. The Auld report demonstrated very clearly that teachers' salaries in the last number of years have fallen behind.

Mr. Bradley: And he was a Tory candidate, wasn't he? He was the Tory candidate from Guelph.

Interjections.



Mr. Cooke: Anyway, Mr. Chairman, those are my comments. I hope the Conservative members of this committee will support this amendment to the amendment.

Mr. Mitchell: Mr. Chairman, I had one point on Mr. Cooke's comments. I thought he was indicating to us that the next group that he would want before this committee would be all of the Education Relations Commission. I don't wish to put words in his mouth.

Interjection.

Mr. Mitchell: I am somewhat surprised at the wording of the motion in that Mr. Cooke requests the Minister of Education to appear to discuss in detail those aspects of the bill affecting teacher-school board negotiations and relations. The other day Mr. Cooke and others charged us each and every one of this committee with reading all of the briefs which I have been attempting to do. It is quite clear to us, having read them, that the concerns the teachers have are with respect to the grid system, the merit increases, the effect on pension plans and a variety of other issues.

Mr. Bradley: Are you moving amendments?

Mr. Mitchell: I may well be. I will not pre-commit myself at this point. I am planning on, hopefully, going through this clause by clause in the very near future.

Mr. Cooke: In the fullness of time.

Mr. Mitchell: That is another expression, I don't use, Mr. Cooke.

Mr. Cooke: I believe your colleagues do. We have been hearing it for the seven years I have been in the House.

Mr. Mitchell: At this particular time, it may be an appropriate statement.

As they say, we have been made well aware of the concerns of the teachers. I know myself, apart from the briefs we have had that have been making us aware of concerns, there is no doubt the bill affects a great many segments of the public sector.

5:30 p.m.

It was interesting that Mr. Cooke referred to the Auld report and many of the teachers referred to the Crispo report as well. Surely you would want to discuss not only what was given to us as a paragraph to read from the Crispo report but the basic concepts behind what Mr. Crispo said. Which is better? Going the route Mr. Crispo would suggest or going with this bill?

I feel we are going to have the people here who are responsible for this bill. All of these additional requests for additional people would create confusion in dealing with the bill properly, and to that extent, I cannot support the motion.

Mr. Jones: Mr. Chairman, at the risk of sounding a bit like an echo or being ruled out of order for being too repetitive, the fact is--and it must be clear to all of us--we are going back to the discussion of a couple of days ago when Mr. Cooke and Mr. Mackenzie said we would have an array of ministers who are affected in one way or another by Bill 179 in the discharge of their responsibilities.

When we raised that suspicion in the discussion, we were told, "Oh, no, that is not so at all." It was with a hopeful ear that we listened to the members, particularly from the New Democratic Party, as to whether they were going to propose something reasonable. They were concerned about the expertise that might be available in the Ministry of Labour, for example. We assured them that expertise would be available as we went through the clause by clause. Someone today heard the Deputy Minister of Labour would be here. Well, I don't know why anybody would be surprised by that because that was intended a long way back.

We did raise the valid points that we are part of the process whereby we happen to have the Ministry of Treasury and Economics responsible for this bill, given that it is an overall economic bill. The minister had been attentive to the debate in the Legislature and had been attentive to the committee as he promised he would be as we went through the hearings. We did what my colleague Mr. Mitchell points out and we appreciate what the many representations from the teachers were saying to us as a government.

Mr. Renwick raised the concern that the Premier should be carrying the bill. I don't recall any precedent for that, but I do know the Premier took a very active role in the debate in the Legislature. He was the wrapup speaker before we came into this stage of deliberations in this committee. He clearly commented that he was aware--and he said so again in a speaking engagement last evening--that this legislation was going to impact the collective bargaining process. He also reminded us of the overall nature of this program and that it is a program to help us back towards improvements within our economy affecting all of us, not just the teaching profession, not the school boards, but all of us as a community at large.

We are seeing our suspicions fulfilled, and I know no one likes to hear the allegation, but somehow or other we are into a jurisdictional--I shouldn't say blackmail, I won't say that--but some kind of pressure tactics in order to achieve whatever end. We are not quite sure of that because we have heard all different hours suggested. We now have another minister--not one of the original names mentioned--being requested. We all know the cabinet process is alive and well. We all know this minister was a part of the process in the makeup of this legislation, and it has been shaped by other members of our caucus that the government caucus played a very important role in the drafting of this legislation and, more important--

Mr. Laughren: You weren't told anything about it. The numbers were kept secret--

Mr. Jones: No, that's not so. One of the commitments the Premier made very clearly and very early was that he was not going to proceed--I can identify in this legislation, as my colleagues can, many of the sections of the bill which were things put very clearly by the caucus.

Interjections.

Mr. Jones: The executive council did a proper job of work to be sure, but then there was a very clear exchange of ideas by the caucus. We see that in the bill as it is reflected here.

Mr. Chairman: Gentlemen, a little quieter for Hansard. I don't think Mr. Jones minds, but it is difficult for Hansard. Thank you. You have the floor, Mr. Jones.

Mr. Jones: The point I am making, Mr. Chairman, is that we really do have to question how far we are going to stray. As Mr. Mitchell says, next they will--I suppose--want members of the Education Relations Committee attending. I don't know how far down the road this type of procedure can continue to take place.

The Treasurer has carried legislation of this import in the past here. He has made himself available. He waits as we talk to attend, to get on with the job of clause by clause, which is the next step in our proceedings. All of the staff and expertise from that ministry as well as the other ministries are committed by this government to be available to assist the work of this committee.

We have this proposal that the Minister of Education appear before this committee to discuss the details of Bill 179. We heard expressed in many excellent briefs, in a very articulate fashion, the concerns of people from the profession, people from the school boards and from the other parts of the community. We know the legitimacy of those concerns, but we are asking the committee members to draw the curtain of this game of inviting all the ministers to appear. We are straying further from the field--

Mr. Cooke: You know how you can do it.

Mr. Jones: I can almost follow the debate for inviting Mr. Biddell, as well as a couple of the arguments that have come up in amendments to the amendment. We have almost been, I suppose, persuaded, but we do know we have the mechanics of our committee in place. We have our job to be done and we find ourselves, as I say, going off into a proposal of a list of ministers.

The words by the NDP the other night, although they subsequently denied it, were "an array of ministers" would be here as we examine the legislation clause by clause and hear what the specific proposals or amendment might be from the opposition members. On another occasion, however, the NDP contradicted that by saying they don't have any proposals except that this bill be withdrawn.

Mr. Chairman: Mr. Jones, even at this angle I see it as 5:40 p.m..

Mr. Cooke: You are misleading the committee.

Mr. Chairman: It is 5:41 p.m. and we must adjourn for private members' voting. This committee is adjourned until eight o'clock this evening.

The committee adjourned at 5:41 p.m.

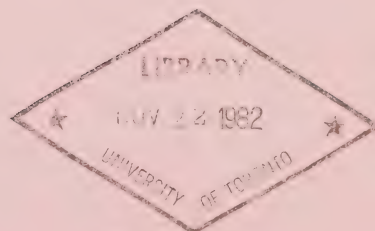


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STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE  
INFLATION RESTRAINT ACT  
THURSDAY, NOVEMBER 4, 1982  
Evening sitting



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breaugh, M. J. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Elston, M. J. (Huron-Bruce L)  
Eves, E. L. (Parry Sound PC)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Stevenson, K. R. (Durham-York PC)  
Swart, M. L. (Welland-Thorold NDP)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitutions:

Bradley, J. J. (St. Catharines L) for Mr. Elston  
Cooke, D. S. (Windsor-Riverside NDP) for Mr. Swart  
Mackenzie, R. W. (Hamilton East NDP) for Mr. Breaugh  
Newman, B. (Windsor-Walkerville L) for Mr. Breithaupt

Also taking part:

Eves, E. L. (Parry Sound PC)  
Gillies, P. A. (Brantford PC)  
Johnston, R. F. (Scarborough West NDP)  
Jones, T., Parliamentary Assistant to the Treasurer of Ontario and  
Minister of Economics (Mississauga North PC)  
Kennedy, R. D. (Mississauga South PC)  
Martel, E. W. (Sudbury East NDP)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Renwick, J. A. (Riverdale NDP)  
Roy, A. J. (Ottawa East L)  
Swart, M. L. (Welland-Thorold NDP)  
Watson, A. N. (Chatham-Kent PC)  
Wilman, B. (Algoma NDP)  
Wrye, W. M. (Windsor-Sandwich L)

Clerk: Arnott, D.

LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Thursday, November 4, 1982

The committee resumed at 8:05 p.m. in room 151.

INFLATION RESTRAINT ACT  
(continued)

Resuming consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: I see a quorum. I call the meeting to order.

Mr. Jones: I will just sum up, if I may, Mr. Chairman. I do not see any support for this resolution. I could follow, and we did, some suggestions of the opposition, but as we moved into the Ministry of Education all too clearly it certainly seemed to us that we were involved in a listing of various ministers, which, of course, could go on and on. I suppose it could go beyond even the total sum or total list of ministers. That I just cannot get myself to support crude reality I suppose would be the way to categorize it.

The summation of my comments is that I just do not feel that our purpose is served for the duty we have been given to further delay by offering up these various amendments calling for ministers on the nebulous argument that somehow or other they are related to the effects of the bill. Certainly this minister, as all ministers, will have a major role to play with the legislation that results therefrom. We take our duties very seriously, to be sure, but with the job we have been given we should be moving on to clause by clause. This kind of proposal is further evidence that we are still, I am sorry to say, playing a game.

Mr. Mackenzie: Mr. Chairman, the member for Mississauga North keeps talking about the games that are being played. I am not sure if it is worthy of any real comment. We have not seen any movement on the part of the government whatsoever. Maybe they figure they do not have to. I suspect that is the position they are in.

We made it very clear from the beginning that this was a serious bill to us and, we think, a serious bill to the province. You can continue every time you speak to call it game playing, but it is not going to make much difference.

Mr. Jones: We are talking about the procedure. We are not talking about the bill being anything other than what it is, very serious.

Mr. Mackenzie: Then what do you do? When do you fight something and when do you not fight something, Mr. Jones? I think

that is what is at stake here. There is a legitimacy to it. There are a couple of others I would like to have gone to first, but there is a legitimacy to calling the Minister of Education (Miss Stephenson).

You have an awful lot of teachers in the province who are being affected by this particular bill. You have a minister who is already having some problems, not entirely all her own problems but some problems, in terms of education. You have a teaching group that presented figures to us that snowed--I do not know what the percentage worked out to, but it was over 15 per cent of them out of work. There is a serious problem in the numbers that are out of work. You have implications in terms of some of the bills, the obvious one here in Toronto, that are controversial and that you have, for a few days at least, put on the back burner.

All I am saying is that you already have problems in the education field. The Minister of Education is going to have to deal with these. I do not know how you deal with these things, whether it is the Minister of Labour (Mr. Ramsay) or Mr. McCague or Mr. Elgie. I do not know how you deal with them in isolation. They are all part of the results you are going to see.

Mr. Jones: They are all available through the estimates.

Mr. Mackenzie: You have not been that cooperative on some of them. The key one of them all is probably the Minister of Labour. Why is he not available?

Mr. Jones: He has 22 hours coming up.

Mr. Wrye: Come on, you are being silly about it.

Mr. Mackenzie: I have a meeting with him at eight o'clock tomorrow morning for three quarters of an hour over very serious matters, but I know damn well that is not where I raise this particular issue.

I made the comment in this committee that we had a teachers' meeting in Hamilton that had almost 700 teachers there. I have gotten hell ever since, one of the reasons being that I had understated it by 200 or 300. I do not know whether they are right or wrong. My colleagues who were there tell me it was one hell of a packed meeting and it was a damned good meeting.

8:10 p.m.

I noticed that in the latest federation bulletin they talk about the Hamilton rally. The little quote is interesting. It gives some indication of what is starting to perk and happen already with the teachers. They quote a Susan Hildritn, and I do not know who she is, but she confessed to about 1,000 teachers at Westdale Secondary School last Tuesday evening--that is what I got hell for because I said 700; they say it was well above that--she was not quite sure how to address them. I presume she is one of the organizers or heads of the local.



"I thought of saying 'ladies and gentlemen,' but you cannot behave like ladies and gentlemen towards legislation like Bill 179, so I will use a more appropriate beginning, like 'my fellow fish.' We are the red herrings of the Davis government.' The local Federation of Women Teachers' Associations of Ontario executive member explained: 'Our suffering will hide the real problems in the province. Bill 179 will make it appear that the government is doing something by distracting the 88 per cent not affected by the legislation.'

"More than 1,000 fellow teachers applauded loudly, reflecting the mood of the evening. The Hamilton rally was the first in a series that is intended to draw public attention to the draconian provisions of the Ontario government's proposed legislation to take away the collective bargaining rights of 500,000 public sector workers."

It goes on. I do not want to repeat all of it. All I am saying is that I know they now have a schedule of rallies right across the province and I know what is expected at some of them. Some of the members here may try to be at the one in Windsor. I suspect from what I have heard, and I still have a few contacts down in Windsor from the days I lived there, that it is going to be one hell of a big meeting.

You are having this happen right across Ontario. Is the Minister of Education going to be faced with problems or not as a result of this bill? I submit to you she is going to be faced with one hell of a lot of problems as a result of this bill. It seems to me to make sense that she be one of the people we talk to.

Mr. Chairman, I do not know why, but we seem to be hiding. We are hiding away or not willing to call people before this committee who, as I said before, are going to be carrying the can for the next three or four years. This is not a bill that is going to be finished in two, three or four weeks or Christmas or January down the road, if we have to recall the House in January.

You are going to feel the effects of this bill for the next two or three years. The people who are going to be carrying the can on it are not appearing before this committee. Some time over the next two or three weeks we are going to go into clause by clause on the provisions of the doggone bill. We will not have a chance to question in advance the overall principles or overview of some of the key people who are going to be involved.

I submit to you that the Treasurer (Mr. F. S. Miller), on a Treasury bill, is going to be involved very little in the results of this legislation. It is going to be the other ministries that are going to be in trouble as a result of it.

Mr. Jones: Earlier you were saying it was totally to save him money for his budget or something.

Mr. Mackenzie: I do not know what that takes away from what I am saying.

Mr. Wildman: That does not affect what he is saying.

Mr. Mackenzie: In any event, I did not say that. It was one of my colleagues actually, but I caught his remarks, too.

What I said was that he himself admitted that no, he did not necessarily have to put this saving, and it is a pile of money you are taking out of the purchasing power of people, into some specific job-creation or other program. One of his options--I think that was the Treasurer's expression--was that he could reduce his deficit. That was a pretty clear signal that maybe that is really what he is taking a look at. Maybe that is really what he is taking a look at.

That does not in any way take away from the fact that it is not going to be him who is going to face the problems as a result of this legislation, it is going to be the other ministers.

You can talk about all the games playing you want. Surely to goodness, if we as a committee are going to look at this bill clause by clause and make any effort at all for changes on either side of the doggone bill, then we sure as blazes should know what these people think.

I do not know whether they are going to stonewall it and say, "We cannot give you an honest answer to that." I suspect, quite frankly, that in the case of one or two of the ministers they are going to tell us: "We did not do any studies, we did not really look at what would happen. We did not really look at what the implications were for collective bargaining in the province."

Probably the Minister of Education is one of them. It is now obvious that the Minister of Labour is one of them. In Bette Stephenson's case it is probably, "We did not really think of whether this was going to give us any problems in the education field in the kind of extracurricular activities the teachers would take on and the kind of class-size arguments we have had over the years and the kind of funding."

Mr. Wildman: Or the future of Bill 100.

Mr. Mackenzie: That is a key point as well, where the hell we are going with Bill 100, which all three parties were proud of when it finally came to fruition in this Legislature. All of those things are going to be directly affected by this bloody legislation.

Surely we are not doing any kind of a job at all, as members of this House and members of this committee, if we do not, in advance to passing something as important as this, sit down with these people and say: "We have some specific questions. Some of them may not be very good; some of them may be very much to the point. We want answers and we want your overview. What have you to take a look at what is going to happen as a result of this bill?"

I think that is essential. To that extent, the procedure is right now, sure, you get no argument from me at all. There is game playing but there is game playing going on all around this bloody committee room. In terms of the necessity of taking a look at

those issues, nothing is more important. Nothing is more important. We cannot honestly and sincerely do a job on clause by clause on this bill unless we have a discussion with these people and some idea of the implications.

I understand what you are doing. I think I understand what you are doing. Just because you have decided that this is the approach and you think it is the answer, the rallying call to try to work on restraint, we would say, "Sure, control and put down the workers' wages." Whatever side of it you accept, just because you have decided that this is the approach you are going to take, and I plead with you, does not mean that you should close your bloody minds to the fact that it is going to have serious implications in the province. That, it seems to me, is a valid argument and something we are not paying enough attention to.

Mr. Jones: We were given a job by the House in here and it had to do with hearings. We have had hearings. It had to do with clause by clause. You have injected the wrinkles in there of the array of the ministers.

Mr. Mackenzie: You have said that you are concerned with the implications.

Mr. Wrye: Why bring Elgie in?

Mr. Eves: Because he has--

Mr. Wrye: What do you think Russ Ramsay does?

Mr. Eves: What part of the act is Bette Stephenson going to administer?

Mr. Wrye: What do you think Russ Ramsay does?

Mr. Eves: Who are we talking about? What is the motion on the table?

Mr. Wrye: What do you think Russ Ramsay does?

Mr. Eves: Give your head a shake.

Mr. Mackenzie: I did have the floor, Mr. Chairman.

Mr. Chairman: Yes, you did.

Mr. Wrye: Just incredible.

Mr. Eves: Are we talking about Bette Stephenson appearing before the committee now? Is that what we are discussing?

Mr. Mackenzie: That is exactly what we are discussing.

Mr. Chairman: Mr. Mackenzie, yes, you have the floor.

Mr. Mackenzie: I suggest to you, Mr. Eves, that you do not close your mind on that.



Mr. Eves: I also know what the motion is.

Mr. Mackenzie: It seems to me that the teachers are a very sizeable part of our work force, a very sizeable part of the public sector force and a very important part in terms of all our kids. I do not know what you people have, but I have six kids who have gone through the school system. Three of them are still in it and it means something to me.

The point I am making is simply this: whether this is your approach to deal with the problem of inflation as a party or not, it ill behooves you to decide that we do not need to discuss some of these things and some of the implications in advance with these people. That is the point I am trying to make, and that is a valid point, regardless of any of the game playing. Yet we are getting literally stonewalled on it.

I think I know why, but your biggest mistake was the very first one, the Minister of Labour. He is really going to catch it. It is a legitimate argument with Mr. Elgie. You have agreed there. He can handle himself a little better, so maybe it makes some sense. I have no argument with that. He can probably give as good as he will take in any questions that are asked.

You made a mistake with Elgie. You are going to also have serious problems in terms of the Crown Employees Collective Bargaining Act and crown employees, so it makes sense that we have Mr. McCague here. It makes just as much sense that we have Bette Stephenson here because we are dealing with the entire teacher work force in Ontario. There are sure as blazes going to be ramifications as a result of this bill.

Why not do a job in advance to at least have some discussion and ask some of the questions and see whether or not--maybe this is what you are afraid of, I do not know--they have taken any serious look at all at the ramifications of this legislation. My suspicion is that they have not. My suspicion is that they have not given it one bloody thought, that they have just decided it is part of an overall policy, our answer to the inflation problem, so let us drive ahead with the doggone bill.

That does not make sense and that is why--

Mr. Jones: Do you honestly believe, Mr. Mackenzie, that the respective ministries do not monitor what goes on in this committee with submissions?

Mr. Cooke: Terry, do you really think they do?

Mr. Mackenzie: Do you really think that is good enough, on the face of any of them that we have asked for? We probably have gone as far in the requests we have made if we got some co-operation on the key ones to begin with.

It does not mean that some of the others are not important, but you would have undercut an awful lot of our thunder if you had agreed to the Minister of Labour right off the bat. That one just really throws me. McCague was equally important.



I suppose if you were--

Interjections.

Mr. Mackenzie: You know that as well as I do. Look, that's a silly argument.

8:20 p.m.

Mr. Jones: But don't pretend that he--

Interjection: We would be ruled out of order and you know it.

Mr. Chairman: Are you through with your presentation?

Mr. Mackenzie: No, I am not through with it at all yet.

It seems to me it is time we took a serious look at long-range planning. There was a day not too many years ago when long-range or economic planning was a dirty word in this province. It seems to me it is accepted now--it is understood you have to do some planning to know what problems you are going to run into in the future.

When you are bringing in a bill like this, which is going to give you one hell of a lot of problems in the future, it would certainly pay to be able to discuss what kind of problems you are getting into with some of the key people involved--the Minister of Education is one of them. It is a crock of boloney for you people to sit here and say, "Hey, it is game playing and you can talk to them in estimates, so we do not need to do it." It does not make sense. I ask you to try and open up a bit and think about what we are saying on these issues.

Mr. Cooke: I will take just a couple of minutes; I want to respond to Mr. Jones's interjections. I want him to understand--

Mr. Chairman: Confine your remarks to the attendance of Dr. Stephenson.

Interjections.

Mr. Cooke: Of course. Rule me out of order.

Interjections.

Mr. Cooke: I heard Mr. Eves's interjection and I heard Mr. Jones's interjections about Bette Stephenson. You can call this game playing if you want. The bottom line is that there are certain cabinet ministers who are going to come before this committee or there will be motions until Christmas Eve or beyond. This bill--

Mr. Jones: That is a responsible parliamentary procedure.

Mr. Cooke: You're darn right it is. And it would be irresponsible for an opposition party to proceed with Bill 179

without asking for certain cabinet ministers to come before this committee and not discuss its implications for their employees. It would be irresponsible to proceed under the circumstances you want us to.

You do not want the Minister of Labour here, but he is going to have to take the flak for this bill, as my colleague has said, because of its implications for labour relations in this province.

It would be irresponsible for us not to discuss the matter with George McCague because of its implications for crown employees. It would be irresponsible not to discuss the implications for Bill 100 that Bill 179 has on the teacher-board negotiations.

We have put proposals before your caucus and before your House leader as to what we want. There are some key ministers who have to come before this committee and discuss it. It happens with other legislation. With the sales tax legislation earlier this year we discussed this bill in its entirety with the Treasurer, who happened to be one of two ministers involved with that bill. The Minister of Revenue (Mr. Ashe) also was involved, but obviously the key minister in that case was the Treasurer. This bill goes far beyond the Treasurer.

Mr. Jones: I know you keep saying that. That is what it is.

Mr. Cooke: It goes much further. It includes labour relations in this province. The key minister in my opinion happens to be the Minister of Labour.

Bill 100 is the bill that involves teachers. If you people want to continue to stonewall the opposition and refuse to have any cabinet members--by now we could have been through virtually all the cabinet ministers we wanted to discuss this bill with.

Mr. Jones: We could probably have had the bill through if we had not had the filibuster in the House.

Mr. Cooke: The bottom line is that we are not going to proceed with Bill 179 until we get McCague, Elgie, Miller and Ramsay before this committee in order to testify as witnesses and answer our questions as to what this bill means to labour relations, to the economy, to crown employees and to prices in this province. If you do not understand that--

Mr. Chairman: In that list you did not mention the person--

Mr. Cooke: I am indicating very clearly to Mr. Jones, as I had indicated before, what the bottom line was.

Mr. Chairman: I know, but you did not mention Dr. Stephen.

Mr. Cooke: Go ahead, Mr. Chairman, rule me out of order.

Mr. Mackenzie: There have been lots of interjections that you did not stop, Mr. Chairman.

Mr. Cooke: Right. Rule me out of order.

Mr. Chairman: You are getting close.

Mr. Cooke: I would be very pleased if you would rule me out of order.

Mr. Brandt: Just say your name--partisan, abrasive--

Mr. Cooke: I can understand why you do not want the Minister of Labour to appear before this committee. I cannot understand why you will not let the Minister of Education do so.

Interjection: That's right.

Mr. Cooke: She can defend herself extremely well. I can understand why you are embarrassed about the Minister of Labour.

Mr. Jones: Not so.

Mr. Cooke: This morning at 11 o'clock the House leaders had a meeting and one of the things they discussed was what was happening in the committee. The House leader for your party indicated that he would be willing to have the Deputy Minister of Labour before this committee, but not the minister. That indicates something about the kind of confidence your party and your cabinet have in the Minister of Labour.

Mr. Jones: Mr. Cooke, that indicates what we were talking about yesterday, that the government is prepared to make available all the expertise--

Mr. Cooke: It does not at all. The deputy minister--

Interjections.

Mr. Wildman: In other words the minister has no expertise, is that what you are saying?

Mr. Jones: No. The minister carrying the bill, the Treasurer, would be in attendance--

Mr. Mackenzie: What are you insulating them from?

Mr. Cooke: The bureaucrat can come before the committee, but the policy-maker cannot, that is what you are saying. It makes absolutely no sense.

Mr. Jones: On this occasion the policy-maker is the Treasurer. He is the man carrying the bill.

Mr. Cooke: I would hope you are wrong.

Mr. Jones: That is, the policy-maker carrying the bill.

Mr. Cooke: I would hope the reality of the situation is that Russ Ramsay was involved in this policy.

Mr. Jones: Of course.

Mr. Cooke: If he was not involved in this policy then there are some more serious flaws in the process than even I had imagined.

Mr. Jones: --this afternoon (inaudible) taken place and how broad it was, with the total caucus being involved and many of the--

Mr. Cooke: Yes, the total caucus did not even know. The Wednesday before the Premier (Mr. Davis)--

Interjections.

Mr. Wrye: Enjoy every minute.

Mr. Chairman: Mr. Cooke does have the floor.

Mr. Cooke: The last caucus meeting you guys had before this policy was even announced, there were six options before your caucus. Your caucus was no more informed than we were. They probably read the Globe and Mail and learned more from it than they found out at their caucus meeting.

The only information behind this policy and this bill are the polls. You know that as well as I do. That is why it is even more important, to satisfy the chairman, that Bette Stephenson and other cabinet ministers we have requested must come before this committee. The sooner the Tory members of this committee get that through their heads the better it will be.

We have now gone through Tuesday afternoon, two and a half hours; Tuesday night, two and a half hours; Wednesday morning, two and a half hours; and Wednesday afternoon, four hours. This afternoon's two and a half hours and an additional two and a half hours when we finish here tonight at 10:30 p.m. will give a total of 16.5 hours that we will have gone through debating motions. We could have gone through a lot of cabinet ministers in that time.

The sooner you people realize that time is a-wasting, that we could have cabinet ministers testifying before us, and that this will continue until those people that are essential to this process are put before this committee the better it will be. When you agree to that we can then get on with the bill. But until that happens we shall continue to debate the motions that have been put before us--

Mr. Kennedy: Filibuster.

Mr. Cooke: You can call it whatever you want, Mr. Kennedy, but I have never--

Mr. Kennedy: I am calling it filibustering.



Mr. Cooke: I have seen you before this committee on other bills, and have never really thought you understood now frustrated the opposition feels at times because of your party's continued stonewalling. You can go and take your orders from Bud Gregory or Tom Wells or whoever else you take your orders from--

Mr. Kennedy: It is not so. The bill came down here under certain conditions.

Mr. Cooke: We are not going to put up with the kind of orders that you people--

Mr. Kennedy: The bill came down with those conditions. You have to go along with those conditions.

Mr. Chairman: Mr. Kennedy, you are out of order.

Mr. Mackenzie: You want to welsh on agreements? What have you done to 500,000 workers? You promised them (inaudible) contracts. If anyone ever welshed in their life you did. That was about as dishonest as anything I have ever heard.

Mr. Chairman: You are out of order.

Mr. Mackenzie: Do not talk about welshing. You are the welshers. You completely destroyed those agreements.

Interjections.

Mr. Chairman: We shall recess for 15 minutes.

Mr. Chairman suspended proceedings at 8:29 p.m.

8:45 p.m.

Mr. Chairman: Mr. Cooke still has the floor. I am not sure what topic he was on.

Mr. Cooke: Mr. Chairman, if I had the latest results, I would read them into the record, but the percentage is staying the same.

Is Mr. Bradley coming back?

Mr. Martel: I think he is crying somewhere.

Interjections.

Mr. Cooke: Perhaps the government whip would like to join the committee, Mr. Chairman. Perhaps some of the motions we have over the next three or four months will have something to do with the government whip.

Mr. Chairman: Carry on, Mr. Cooke.

Mr. Cooke: It is difficult, with the government whip talking to my House leader behind me. They are probably signing a deal.

I did want to get back, and I am glad Mr. Kennedy has come back into the committee because I think what led to this rather unfortunate 15-minute delay was the fact that Mr. Kennedy tried to point out that we had welched on a deal. It was one of the most ridiculous, silly, nonsensical comments and it lacked honesty; I am trying to think of other things to describe it.

Interjection: It is the pot calling the kettle black.

Mr. Kennedy: That is what happened.

Mr. Cooke: The fact of the matter is that, if you are so concerned about deals, Mr. Kennedy, how do you feel about the deals and the contracts you have signed with the thousands of teachers across the province that you are breaking by Bill 179?

Mr. Kennedy: That has nothing to do with the issue, Mr. Chairman.

Mr. Chairman: Mr. Cooke, you should address the chair and never a member.

Mr. Cooke: I realize that, Mr. Chairman, and I apologize, but I hope that Mr. Kennedy will address--

Mr. Martel: On a point of privilege, Mr. Chairman, I am only going on hearsay--

Interjections.

Mr. Chairman: --hearsay is permitted in committee.

Mr. Mackenzie: You were already defeated once today.

Mr. Martel: I could go back to the Instant Hansard, if you want. I understand that my good friend of 15 years, the class of 1967, suggested that I had reneged on a deal that I had arrived at with my friend, the government House leader.

I have to tell you that that deal has not been reneged on one iota, and anyone who would come here when I am not here and suggest that the deal that was arrived at by three House leaders has been reneged on in any way, shape or form should, in fact, be prepared, as an honourable gentleman, to indicate how that agreement, which was arrived at over weeks of discussion, has been reneged upon. If my friend can't, then I would ask him to withdraw his remarks that I had reneged on a deal.

Mr. Chairman: I will follow the precedents of the House. The Speaker usually takes the position on these matters that he has no idea whether allegations are correct or incorrect, and he cannot rule whether your privileges have been breached or not.

Mr. Martel: I agree with you, Mr. Chairman, but in the House, usually a member who has made an accusation gets up and either withdraws or retracts the comment or apologizes for making a statement that was erroneous. I will not ask you to force that

member to do it, but a member who has some integrity would do it.

Mr. Kennedy: Mr. Chairman, I think I should have the opportunity to comment. The general understanding of this bill, as I understand it, was that it was down here to hear witnesses up until a certain period of time, following which we were to go into clause by clause. That is my understanding and that is not what is happening.

Mr. Piché: I guess not.

8:50 p.m.

Mr. Kennedy: I could add that normally when a bill comes down under these circumstances the sponsor of the bill is here, which is the minister.

Mr. Mackenzie: Are you saying the motion is out of order?

Mr. Kennedy: No, I am saying that is my understanding--

Interjections.

Mr. Chairman: I guess I have the floor at this point. The mandatory instructions say that normal clause-by-clause consideration of the bill starts on November 2, 1982. Normal clause by clause would have started except that there have been procedural motions placed before the committee.

Interjections.

Mr. Chairman: Gentlemen, we have gone far enough. Mr. Cooke now has the floor to deal with Bette Stephenson.

Mr. Kennedy: That is the situation as it was understood and the chairman has confirmed it.

Mr. Chairman: Thank you, that is enough from either of you.

Mr. Cooke: Thank you, Mr. Chairman. I think it is very unfortunate that the parliamentary assistant to the Minister of Education didn't have the courtesy to withdraw his rather--

Mr. Chairman: Mr. Cooke, would you address the chair please?

Mr. Cooke: I was, I said Mr. Chairman, I am sorry the parliamentary assistant to the minister did not have the--

Mr. Jones: There you are, wrong again. You don't know the process nor even the players. He is not the parliamentary assistant.

Mr. Cooke: Isn't he any more? Parliamentary assistants are such a waste of money I don't even know who they are any more.

Mr. Jones: No, he did a superb job in that role, that is why you have it fixed in your mind that he is--

Mr. Bradley: It is Gordon "Dog and Pony Show" Dean.

Mr. Cooke: Who is the member for Mississauga South parliamentary assistant for now?

Mr. Chairman: Mr. Cooke, you are speaking directly to somebody who is not the chair.

Interjections.

Mr. Cooke: It is very unfortunate that whoever Mr. Kennedy normally represents I don't know, because we know that in most cases the parliamentary assistants in the government right now are useless figures.

Mr. Chairman: May we have your amendment please?

Mr. Cooke: Thank you, Mr. Chairman, I would like to get back to the motion.

Mr. Chairman: No, the subamendment.

Mr. Cooke: I still think, Mr. Chairman, it is unfortunate that Mr. Kennedy did not have the courtesy to withdraw his allegation.

Mr. Martel: Or substantiate it. One of the two.

Interjection.

Mr. Cooke: I would like to discuss the Minister of Education and give the necessity for the Minister of Education to appear before this committee.

I think that one of the effects of Bill 179 on the teachers of this province has been to make them realize that in order to have a substantial impact on government in this province they have to become politically involved. There is no better example than what has happened in York South tonight, the endorsement by Malcolm Buchanan of the NDP candidate in York South. I am glad the member for St. Catharines is here tonight.

I have a feeling that if Bill 179 had not been introduced in the Legislature, and had the member for St. Catharines not been so rancorous in his reaction to the endorsement by Malcolm Buchanan--

Mr. Bradley: He is one of my favourite people.

Mr. Cooke: He is a member of the committee that the member for St. Catharines and Malcolm get along very well.

I do want to get back to the motion that we have before us and that is that we have a lot of contracts--I think I was talking before the adjournment where you thought that the committee had



gone out of control as a result of some very legitimate interjections on the part of the member for Hamilton East (Mr. Mackenzie).

Mr. Chairman: They are never legitimate interjections.

Mr. Cooke: I disagree with you. I know you are a rookie and I am a veteran--and so is the member for Windsor-Sandwich (Mr. Wrye) a rookie--however, I think in a parliamentary system interjections are very legitimate.

But I think the member for Mississauga-whatever must realize that if we are ever to get to clause-by-clause discussion of this bill--I, quite frankly, look forward to at some point--

Mr. Wrye: In the fullness of time.

Mr. Cooke: In the fullness of time, that was the phrase I was looking for. The only time we are going to get to clause-by-clause discussion is when certain ministers come before this committee. One of them happens to be the Minister of Education. There are several--

Mr. Jones: That was not on the list we had before we adjourned.

Mr. Cooke: The longer this committee sits, the longer the list will become. I think the reality of the situation is there are 500,000 people affected by Bill 179, directly. There are a lot of people affected indirectly and a lot of those 500,000 people happen to be teachers.

I am very concerned about what will happen to Bill 100 as a result of Bill 179. I am very concerned about future pieces of legislation that will have to be introduced before the Legislature as a result of Bill 179, and that is back-to-work legislation.

Again, I am glad that the education critic for the Liberal Party is before us right now because I know the position of the Liberal Party on back-to-work legislation when it involves teachers, but I think that--

Mr. Jones: What is that?

Mr. Cooke: The position of the Liberal Party on back-to-work legislation for teachers--

Mr. Bradley: Is this in order? The election is over now.

Interjections.

Mr. Cooke: The position of the Liberal Party on back-to-work legislation depends on where--

Interjections.

Mr. Chairman: A point of order, Mr. Wrye.

Mr. Wrye: If I might, perhaps you could draw the member to order and suggest that he speak to the calling of the Minister of Education and not some matters which are entirely extraneous to the issues at hand.

Interjections.

Mr. Chairman: Your point of order is quite in order. Mr. Cooke is definitely out of order with his procedure. Please restrict your comments to the Minister of Education and the necessity of having her before the committee.

Mr. Cooke: Mr. Chairman, the reason we have to have the Minister of Education before this committee on Bill 179, which is the bill to restrain wages in the public sector, is because of the implications for the future for teacher-board negotiations and relations. The implications for the future are going to be the effect on Bill 100, which is the bill that was introduced back here in the mid 1970s which gave the teachers the right to strike and which set out the ground rules for teachers and boards to negotiate.

I think what brings in the point that I was making earlier is the Liberals have decided, after supporting Bill 100, that teachers no longer should be given the right to strike. I know that is a completely separate issue, however it is brought together in the fact that Bill 179 suspends the right to strike for teachers, which is an aspect of Bill 179 which I know the Liberals support, but it is also an aspect of what is going to happen in the future, after Bill 179 expires and teachers try to recoup some of the wage losses and some of the nonmonetary items that will not be negotiated as a result of Bill 169.

When they try to make those kinds of improvements that are very important, not only for the teachers of this province but for the students of this province, when those recoveries are attempted to be made through the negotiation process and strikes occur, we know that during question period in the Legislature the first people who will get up will be the Liberals and demand that back-to-work legislation be introduced into the Legislature.

9 p.m.

We in the New Democratic Party will say the relationships between teachers and boards have been disrupted and destroyed because of Bill 179, but I think we need the Minister of Education before us to ask her whether or not the implications of Bill 179 have been thought of.

Interjections.

Mr. Wrye: But in any case, Mr. Chairman, I think it is--I will wait till the chairman has my attention because I know I can only direct my comments to the chairman.

Mr. Bradley: Let Hansard record that the member for Hamilton East was kind enough to take his cigar to the back of the room.

Mr. Mackenzie: I am really enjoying it, too.

Mr. Cooke: In any case, Mr. Chairman, I think there has been ample arguments put forward before this committee to convince Mr. Eves, at least. He is one of the members of this committee who is rather fed up with the procedural motions that have been put before this committee.

I can assure Mr. Eves, along with all the members of the Conservative caucus, that these procedural motions will continue until we have at least Mr. Ramsay, Mr. Elgie, Mr. Miller, Mr. McCague and Miss Stephenson--the subject of this motion--to discuss the implications of this bill. We would also expect Mr. Biddell to be one of the individuals who has to come before this committee.

Interjection.

Mr. Cooke: Yes, there are six. I understand that, Mr. Chairman. But we have some people within our caucus who are very familiar with negotiations. There is a bottom line and that bottom line has been put forward. The parliamentary assistant to the Treasurer must understand these procedural motions are important. The parliamentary procedure only works--hearings on a bill only work--when the opposition's rights and its obligations in terms of constructive criticism, are respected by the government of the day.

That is what disturbs me most about what is happening on Bill 179. I do not see any substantial respect on the part of the government party for a legitimate request on the part of the opposition--

Mr. Jones: You are abusing--

Mr. Cooke: We are not abusing. You are abusing your majority and that is exactly what the stonewalling under this committee is demonstrating.

Mr. Jones: It is the guys playing the games.

Mr. Bradley: Speaking in support of this very enlightened motion--

Mr. Wrye: In spite of the fact the member for Hamilton East is back in his seat again with his cigar.

Mr. Bradley: Mr. Chairman, I think it is a reasonable motion. It has been pointed out before this committee that the ramifications of this bill are rather great. Once again, you will notice we have addressed many of the areas that we see as difficult in the form of amendments. I would be very curious to know what the opinion of the Minister of Education would be to those amendments.

While members of the House, generally speaking, may not be familiar with the ramifications of this bill for education and for members of the teaching profession, the critics of the two



opposition parties and the Minister of Education would be very familiar with the ramifications.

I have discussed, for instance, some of the areas that I see as being difficult in the bill, with the minister on an informal basis. The only place she has to address these, at this point, is in the cabinet meetings or in the Progressive Conservative caucus meetings, if, indeed, that is the kind of conversation that transpires there.

In the House she, as a member of a solidified cabinet, would be very reluctant to offer any opinions about this bill which would be contrary to those of the Treasurer and which would be embarrassing to the Treasurer. However, when questioned in a very specific way by members of the committee, the minister might very well concede certain areas of weakness in the bill.

As a result of her appearance before the committee, we might well see an acquiescence of the government on certain points that members of the opposition and those who have made representations before the committee have brought to the attention of the government. This kind of acquiescence--while it would not be overly pleasing to those who have raised objections to the specific provisions of this bill--would at least go part way to alleviating those concerns.

I think of areas, Mr. Chairman, such as the \$35,000 threshold. You are not going to evoke much public sympathy, but those who are familiar with the grid as it exists in the teaching profession--that is, years of experience and academic qualifications--would recognize there is a steady progression in a grid which takes place regardless of other things happening. It is discrimination against specific people in a specific category, even though we are talking about people in a higher income than most of the province. It is discrimination in terms of the teaching profession itself.

Another area of great concern to teachers--as I am sure it is to other public servants--is the effect on the pension plan. The teachers do have a specific and different pension plan from those in the rest of the public service. The minister might well be of assistance to us in the committee to talk about the ramifications of this bill for those people and now we might alleviate the concerns they have brought to our attention.

We would also look at areas of a noncompensatory nature, where we feel there should be the full collective bargaining rights there were before the bill. We are talking about a lot of areas when we talk about noncompensation issues. We are talking about areas that are of vital concern to teachers.

If we ask the people involved in the teaching profession to tell me, "while we do not like the nine and five or the five"--depending on how they are caught with this legislation--"we could perhaps tolerate it if we knew the other aspects of the bill would not be so penalizing to members of our profession."

So the government has an opportunity--through entertaining



those amendments, through taking them seriously, through the representations made and reacting to those representations with amendments of their own--to make this bill, if not popular, certainly more palatable to members of the teaching profession or others in the public service.

Mr. Wildman: If not just.

Mr. Bradley: I think it would be beniericial to have the opinions of the Minister of Education, because the minister has to work directly with those in education. She understands what the directors are saying because she meets from time to time with them and receives representations from them. She meets with the members of the teaching profession who are represented by the presidents, vice-presidents and other officers of the various federations, some who tend to be more political in their presentation to the minister than others, but nevertheless, all of whom are basically saying the same thing to her.

For this committee to permit the Minister of Education to come before us, to discuss those specific items that affect the teaching profession and education in general, would be extremely valuable. I am sure the same could be said by my colleague, Sean Conway, in terms of those who are at the community college and university level, who have expressed similar concerns to those who are at the secondary and primary levels of education.

So I implore members of this committee, all of whom I am sure are fair-minded individuals, to permit this amendment to the amendment of a motion to pass. I would be very pleased to see it pass unanimously, because I think it is a very enlightened point of view expressed by the member for Hamilton East through his amendment.

Mr. Mackenzie: Before Mr. Wildman goes on, that speech may recoup a little bit for Mr. Bradley. I want you to know, in the meantime, that Mr. Buchanan has delivered another 300 or 400 majority votes for us and you are accepted.

Mr. Wildman: I was just reading yesterday's Toronto Star. I read an article about a gentleman who reminds me a great deal of Bette Stepnenson. His name is George Wallace. It says in here that he is an old politician facing new realities. I think that sums up Bette Stepnenson very well.

I really do not understand why the government would be opposed to inviting the Minister of Education, or for that matter, any minister of the crown whose responsibilities are affected by this legislation. I say that and perhaps I should qualify it, because in a political sense, I do understand why they do not want the Minister of Labour to appear before this committee. The minister's comments in the scrum today, outside of the House, are an indication that he does have some difficulty keeping his foot out of his mouth.

In refusing to have the Minister of Labour before this committee, the government is not attempting to protect the minister from the opposition, as some might say, but rather the

government is attempting to protect the government from the minister. For that reason they do not want him to appear, and instead are willing to have the deputy minister appear before the committee.

Mr. Chairman: Meanwhile, back to Dr. Stephenson.

Mr. Wildman: I was just using that as a comparison, Mr. Chairman. I believe the government members would have no problems of that sort with the Minister of Education. I believe she has demonstrated in the past that she is quite capable of handling herself, of responding in kind or sometimes more strongly to positions in opposition to her.

Mr. Jones: You want her here for her sense of theatre, is that it?

Interjections.

Mr. Wildman: No, I believe she really does understand Bill 100 and its operation. She should be able, without having to defer to her deputy minister--as the Minister of Labour might have to, for instance--to explain the ramifications of Bill 179, defend the government's position and explain the input her ministry had into the preparation of this legislation.

Mr. Jones: It is not her job, it is the Treasurer's job. He is the man charged with the responsibility of the bill.

Mr. Wildman: We fully understand--as the parliamentary assistant has said--that this legislation was prepared and introduced by the Treasurer of Ontario and Minister of Economics. It is a bill for which he has responsibility. That was made clear by the Minister of Labour in the House, when he admitted he had no input, had nothing to do with it, did not know anything about it and did not understand why anyone should say he should take responsibility for it.

Mr. Jones: You are paraphrasing--

Mr. Wildman: Although the minister is introducing the legislation, and is responsible for it, the people affected are not people for whom that ministry is responsible. The functions those people fulfil, whether it be educating our children, as with the teachers for whom the Minister of Education is responsible, or the carrying out of government services, done by the civil servants and for whom the Management Board chairman is responsible--I suppose there are others we could think of.

There is the Minister of Municipal Affairs and Housing, who is responsible for grants to the municipalities and the public servants who are affected by this. I am sure we could get to talking about that minister and the contribution he could make. Honestly, when comparing that minister to the Minister of Education, I would think the Minister of Education would be seen--perhaps even by government members--to be more capable than the Minister of Housing and Municipal Affairs.

Mr. Jones: It is not a matter of capability. It is getting on with the job.

Mr. Wildman: If it is not a matter of capability, I am honestly searching for a reason as to why they would not want to have a minister of the crown who is affected by a major piece of legislation in this province come before us and explain the effects.

If it is not capability, then what is it? I honestly do not understand.

Mr. Jones: Mr. Wildman, we have a bill that touches on other ministries every time we come to the House--

Mr. Mackenzie: It does not touch on them substantially.

Mr. Jones: --or impacts on them in a large way, Mr. Mackenzie. We cannot have half a dozen ministers simultaneously attempt to carry the bill.

Mr. Wildman: It is not simultaneously. I was quite willing to have them do it consecutively. I am not alone in this position, nor is our party.

I recall early in the hearings that we had on this legislation, in this committee, the Treasurer (Mr. F. S. Miller) himself indicate that the Chairman of Management Board (Mr. McCague)--I am not certain that he said the Chairman of Management Board, but he certainly said the Minister of Labour (Mr. Ramsay) and the Minister of Consumer and Commercial Relations (Mr. Elgie) would be in from time to time. If he did not think it reasonable for him to be here alone because this bill impacted upon those other ministries and on their responsibilities, and as a matter of fact those ministers would have responsibility for carrying out the legislation--

Mr. Jones: No, he did not put it that way at all.

Mr. Wildman: We all know that the Minister of Consumer and Commercial Relations is certainly responsible for carrying out the so-called price side of this legislation.

Mr. Mitchell: He is going to be here.

Mr. Wildman: I have looked at that very carefully and have come to realize that that minister is going to come before this committee because he has the capability to express himself well. That is the trouble.

Mr. Jones: Oh, come on.

Mr. Wildman: You mean you do not think he does have that capability?

Mr. Jones: That is quite true, but so does the Minister of Labour.



Mr. Wildman: The reason you do not want the Minister of Labour is that he does not have that capability.

For some reason, we have had indications that the deputy minister might come before this committee, and my colleagues might agree that he has the capability to express his position. Even though he is not a policy-maker, he is supposed to carry out policy.

Mr. Bradley: Heaven forbid, if he is as arrogant as the Deputy Treasurer.

Mr. Wildman: Anyway, to return to the Minister of Education--

Mr. Bradley: The Deputy Treasurer is the most insulting person in public--

Mr. Chairman: We are discussing the Minister of Education--

Mr. Wildman: I would not accuse a bureaucrat of being insolent or impolite. I think our job here, as responsible members of the opposition, is to criticize government policy, and from time to time, but not very often, members of the government benches.

I found it most unfortunate--and I think I am correct in this--that the ministers most affected by this legislation did not speak in the House on second reading. They did not even take part in the debate, on the principle of this legislation.

We have a situation where we have a two-part piece of legislation. One part deals with the reneging on commitments and agreements made with its employees by this government and the threatened reneging on agreements made between other public sector workers and their employers; the other part of the legislation deals with prices.

I am told that the minister responsible for prices did take part in the debate on second reading. But I know for certain that the ministers who are responsible for collective bargaining in this province, whether it be workers in general, specifically public sector workers working for the government, or those working for boards of education, did not take part in this debate.

I think this committee has been most unreasonable in not reading all of the presentations made to it by those groups that are affected by the legislation and not hearing them. We believe that if we do not hear them, that it will not happen, at least we will not hear the ministers who are responsible for this legislation come before the committee.

I indicated why I understand why the government would not want the Minister of Labour to come, but I honestly do not understand why they would not want the Minister of Education to come before the committee.



The member for St. Catharines (Mr. Bradley) was with me on another committee that looked at Bill 127. The Minister of Education (Miss Stephenson), who was responsible for that piece of legislation, appeared before that committee. Although we disagreed with her almost completely on every issue, there was no question that she was quite capable of speaking for herself and for the government. I do not think the government members should in any way fear she would embarrass them.

9:20 p.m.

Mr. Jones: We do not fear any of our ministers would embarrass any of us. That is not the point. You keep missing the point.

Mr. Wildman: Then have them come before the committee.

Mr. Piché: The next one they will ask for is Pierre Trudeau.

Mr. Wildman: No, I believe we do not have the jurisdiction to invite him.

Mr. Piché: Then you will ask for President Reagan to appear.

Mr. Wildman: No, we are not going to be continually referring our economic problems to President Reagan, not us.

Mr. Piché: You could ask him because you are asking for everyone. Instead, we should be dealing with this matter ourselves.

Mr. Mackenzie: Why do you not give us another motion then?

Mr. Piché: Mr. Chairman, in any event his 20 minutes are up.

Mr. Wildman: There is only one other matter I would like to deal with in relation to the invitation for Miss Stephenson to this committee. That refers to some of the comments that were made by the member for St. Catharines.

I am not sure what experience he has in negotiations and collective bargaining. If he is as experienced as he says he is, I am sure he would understand--and I know that the Minister of Education would understand, because of her working knowledge of Bill 100, that it is not possible, when the monetary issues are already decided by an outside third party, to have any kind of meaningful negotiations on nonmonetary issues.

Anyone who has had any really serious experience in collective bargaining understands that it is a trading process and that trading goes on until there is a final agreement. On many occasions, both sides give up matters that they are fighting for of a monetary nature in exchange for nonmonetary things they wish

to get. When you decide on one, then you have effectively ended collective bargaining for the other. I am sure that the Minister of Education would be able to explain that to the Liberal members and the government members on this committee.

Finally, as a person who was very much involved in negotiating over a number of years prior to coming to this place and was also very much involved with the fight to win the right to strike for one particular group of public sector employees, those in the education field, I must say that I am most concerned about the effects of this legislation on the operation of Bill 100, which has been most successful. It is one of the most successful pieces of legislation that has ever been passed by this government and was introduced by this government after a great deal of pressure from the teaching profession and from the New Democratic Party.

Mr Mackenzie: So why destroy it?

Mr. Wildman: I am most concerned about what effects this will have on that. We have had very few strikes and we have had fewer strikes proportionately since Bill 100 became law than we had prior to Bill 100.

Mr. Mackenzie: You will wipe it out with Bill 179.

Mr. Wildman: With one fell swoop, we make it inoperative. I hope the Minister of Education would feel as strongly about the future of Bill 100 as I do and would want to ensure that it operates well and be able to explain to the Liberal members and to her own government members the effects of this legislation on that very successful and important piece of collective bargaining legislation in the education sector.

For that reason, I think it is imperative that we have the Minister of Education before us. I believe we should have the Minister of Labour as well, but as I said earlier, I understand why the government does not want him. That is not the problem with the Minister of Education. She is a capable person; she can express herself well; she can defend her positions well. I disagree with her on many counts, but I hope she would agree with me on the need to preserve and protect Bill 100. For that reason, I would hope that the government members who are afraid to have the Minister of Labour appear before us will agree to have the Minister of Education appear before us.

Mr. Chairman: Thank you Mr. Wildman. Mr. Wrye, Mr. Roy and Mr. Laughren not having been here, then we go right to Mr. Renwick, the last speaker listed.

Mr. Laughren: I am sorry I am late. I will go to the back.

Mr. Bradley: So should Mr. Wrye. I hope he says something different to what you said.

Mr. Renwick: There have been remarks made by my colleagues in support of this amendment, and remarks made by the member for St. Catharines would indicate the basic point that has to be made about it. There is no problem now with part III of the bill dealing with the administered price part of it because the Minister of Consumer and Commercial Relations is going to be here. He is named as the minister and that is it.

Part II of the bill is the part to which we are completely and totally not only antagonistic but opposed. We serve notice, it is very clear we will not if we can stop it, have that part of the bill passed. It is just that simple. We will do whatever is available to us to deal with it. The point that has to be made and made very clearly is that there is a total vacuum of ministerial responsibility with respect to part II of the bill.

There are 500,000, on the Treasurer's own figures, members of the public sector who are affected by this bill. A goodly portion of them fall within the responsibility of the Minister of Labour. A goodly portion of them fall within the responsibility of the Chairman of Management Board of Cabinet and a goodly portion of them fall within the purview of the Minister of Education and the collective bargaining process for teachers under what is colloquially known as Bill 100, but is chapter 464 of the Revised Statutes of Ontario.

It is that vacuum to which we are speaking. We are not prepared, and I want the government to understand and I want them to understand very clearly, we will not allow that vacuum to go through this assembly under any circumstances. We do not care how long it takes, whether it takes forever for the government to understand it, but if there is a device, a mechanism, a way, we will delay the passage of this bill. We will not allow a fraudulent piece of legislation, fraudulent with respect to parliamentary process--I will wait until there is some decision as to whether or not that is parliamentary.

Mr. Chairman: Of course, Mr. Renwick, you know you are not on the motion.

Mr. Renwick: I am speaking on the motion.

Mr. Chairman: The amendment, the subamendment--

Mr. Renwick: It has got to do with the Minister of Education.

Mr. Chairman: Yes.

Mr. Renwick: What I am pointing out to you is that if you are followed with any wit or intelligence the process of the New Democratic Party on this bill, he will understand that each of the amendments which we have proposed has very substantial merit when you look at part II of the bill as constituting a vacuum under the parliamentary process.



We are being asked to accept the appointment of Mr. Biddell, who is the chairman-designate of the Inflation Restraint Board with respect to part II of the bill, where no minister is named. There is no minister of the government that is responsible with respect to that bill. Talk about him being the czar with respect to prices. Even I can accept that your party, the Conservative Party and ourselves would have great difficulty agreeing about a process of price restraints, price reviews, price controls. At least we are in agreement that it can be done within the parliamentary process.

Under part II of the bill there is not a single minister named. There is a chairman of this board who is going to have responsibilities who has no experience in the collective bargaining field.

9:30 p.m.

We are talking about 500,000 members of the public service of the province. If you divide them into three segments, the Minister of Labour is responsible for one segment under the normal labour relations act of the province. Another sector is the responsibility of the Chairman of Management Board of Cabinet with respect to the Crown Employees Collective Bargaining Act. Another sector of the public service of Ontario is the teaching profession and is the responsibility of the Minister of Education with respect to the administration of chapter 464, RSO, colloquially known as Bill 100.

That, basically, is the split of the responsibility with respect to part II. Part II is the only part of the bill which impinges upon the civil liberties, the constitutionality, the legality of the whole question of what this bill is about. If you add them all up, those are the three ministers. There is not a single minister of the crown responsible.

I am not suggesting any sort of deviousness on the part of the government. I am simply saying they do not understand what they are asking, what they are saying, how they are saying it and what they are doing. They seem to have thought somehow or other that if they could pattern a bill in Ontario which was a pale reflection of what the Liberal government was doing in Ottawa, then somehow or other there was some psychological effect that was going to be drawn up.

I think the government had better understand that our caucus is not kidding about its opposition to part II of this bill. I want you to know that we have spent a lot of time to make certain the processes we have devised are within the parliamentary rules of the assembly, which have lived for a long time and are there to be followed. If there is anything we can do under the rules, we will do it to make the government respond to the opposition because there is profound difference of opinion about the bill.



I want every member of the committee to look at part II and say, "Who is the minister responsible under the parliamentary system of government?" There is a man who has been selected because of his experience with the restraint program in 1975 with respect to prices and wages. That was quite a different bill. He is being brought into Ontario. He is being asked to accept the responsibilities under part II of the bill, for which he has no background, no experience and no training.

In a crisis the government may say the key figure is a minister of the crown, regardless of what role, as I tried to indicate earlier, that Mr. Biddell may very well play with respect to the indicia of economic guidelines that are provided. But when one looks at part II of the bill, there is not a single minister of the crown who is responsible for the administration of that portion of the act.

Each of us has received a blue-covered booklet, as we usually do, setting out each of the statutes of the province and naming the ministry which is responsible for the administration of those statutes. There is no problem with respect to part III of this bill, but nobody could say that part II of this bill is the responsibility of any minister of the crown. It is certainly not the responsibility of the Treasurer, nor of the Minister of Labour because he is not named in the bill. The Treasurer is not named in the bill except to receive a copy of the annual report. The Minister of Education is not mentioned, despite the fact that this entrenches totally upon chapter 464 of the statutes of Ontario. It does so just as the portion related to the collective bargaining entrenches totally upon the Labour Relations Act and just as the portion for the Chairman of Management Board of Cabinet entrenches totally upon the Crown Employees Collective Bargaining Act.

Could government members anticipate the New Democratic Party would accept a bill which entrenches upon the rights of that number of people with respect to three major statutes of the province? I defy you to select three statutes of more importance that are not the result of the evolution of the political process in this province than the School Boards and Teachers Collective Negotiations Act, the Crown Employees Collective Bargaining Act and the Labour Relations Act.

All three of those statutes are integral to the actual political growth of the province. They came out of the political process. Yet you ask us to accept part II of that bill, which in our view goes a substantial way towards destroying, ultimately, the process that produced them. Not a single minister of the crown is responsible under the legislation for those activities and we are not able to obtain the presence before this committee of one of these three ministers of the crown.

It may not be a principle to you, but it is a principle to us. Anybody who understand this province can go through the Revised Statutes of Ontario and say, "well, these are statutes which are matters of administration, matters of this, that and the other." But if you talk about the evolution of the kind of democracy which we all want to have in this province, you can find no more key statutes than these three.

When you interrupt those three statutes by an overriding statute of this kind under part II of the bill and say in the bill that there is no minister responsible for that entrenchment on those rights, then I am saying to you in a very profound sense you are wrong. You are not only wrong now, you are wrong in history. I am not talking about whether or not you are approved at the polls or whether we are approved at the polls; I am talking about the nature of the society we are developing. If you truncate it that way without any justification, then I want you to know very clearly that we are not engaged in some parliamentary in-house game. We are engaged in an entrenched battle of difference of principle on a profound philosophical basis.

I just do not happen to believe that the only reason the Labour Relations Act, the Crown Employees Collective Bargaining Act and the School Boards and Teachers Collective Negotiations Act exist because of pressure from the opposition. I believe they exist because the process of interreaction within a parliamentary system that was alive to the needs of society led the government of the day to introduce each of those bills. To have those bills now disowned and suspended is abhorrent to me. Not only that, but for a government of this province to be so frightened of what they are doing that they will not even name a minister of the Crown responsible for part II of the bill is, to me, a denial of the parliamentary process and a denial of the kind of society we want. We are not playing games.

9:40 p.m.

Sure, there is a certain amount of game-playing within any system and we know how to play them. We are playing for keeps. In language that maybe some people can understand, we are playing the Stanley Cup finals, we are playing in the World Series. I want you to understand there is no letup by this party on this matter. This is not something where somewhere along the line we are going to get tired.

We are not going to get tired. We have enough members to relieve each other. If my voice goes there will be other voices to come in to replace it; other members to come in regularly and consistently and positively. We do not need any signal system. We just know that is the way it is going. There is no letup.

I am not suggesting for a moment we are posing an easy problem for the Tory caucus or the Tory members who are in here. We know that when the chips are down the fight is tough. That does not prevent personal friendships across the table and all the rest of it. But on the game that is being played we are unrelenting, we will not give in and we will not give up.

If our final position is well against the profoundly principled view of every member of this party. I cannot believe that when the members of the Conservative Party reflect on what they are asking us to do, they too will not participate in part II of the bill.

It is just profoundly wrong. We will have an opportunity later on on a motion, which I trust will be accepted, to discuss the question of the responsibility of the Attorney General (Mr. McMurtry) of this province with respect to the Charter of Rights and the question of whether or not he can come before this assembly and demonstrate that this attack on the collective bargaining process is necessary in a free and democratic society.

I appreciate your attention. That is the way I feel and that is where we stand on this.

Mr. Laughren: Even when Mr. Renwick's remarks are not always precisely relevant they are always eloquent. It is always a pleasure to follow my colleague from Riverdale and perhaps clarify some of the things he said.

Mr. Chairman: You mean he was not clearly enunciating what he was saying. Is that what you are saying?

Mr. Laughren: I am particularly intrigued by this motion because it calls for the Minister of Education to appear before the committee. Mr. Renwick talked about sports and this not being a game and so forth, but if I were managing a hockey team and we were in a tight spot, I would get a good stickhandler out there, someone who would come in and really deke the opposition. That is why I want Bob Elgie--

Mr. Chairman: That is what you are coming out with now?

Mr. Laughren: --to come before the committee. But if I were managing a baseball team, I would want one of my heavy hitters at bat, and that is Miss Bette Stephenson. If she was to appear before this committee, it seems to me she would be someone whom the committee members from the governing party could look to for support, a large degree of support, someone who would reinforce the rather frayed nerves.

Mr. Chairman: I am not listening to your charming--

Mr. Laughren: I am serious. She would reinforce those of you who are starting to have second thoughts about what you are doing here with this restrictive piece of legislation. In Ontario, and I would not want to read too much into it, it seems to me that one of the things that allows a society to have the degree of stability Ontario has enjoyed for many, many years is something called the rule of law.

That, by and large, is learned in the educational system. Surely it is. That is what people learn who come out of the school system, whether they go to grade 6, grade 12 or out of law school. Striking out that comment from the record.

Mr. Chairman: I can certainly agree with you in the third instance, but not in the other two.

Mr. Laughren: I feel very close to the chairman at this point.



Mr. Renwick: It is nice to have two unbarred lawyers on the committee.

Mr. Laughren: I think that when teachers are seeing themselves affected by this piece of legislation, whether they are basically small 'c' conservative people or not--and most of them are small 'c' conservative people--it must give them pause for thought because they all know they have signed a contract, which is binding on them, and when the large number of civil servants signed a contract they knew was binding upon them, they knew that they would not be able, like sports stars, to demand that that contract be negotiated in mid-term.

Yet here we go, saying to those teachers, "Not only will we not allow you to negotiate it, we are simply going to tear up the contracts." When you do that to people in the educational system, it seems to me that you are really asking for those people who are passing on values to pass them on in such a way that there has to be less respect for the rule of law in Ontario.

I started off by saying that I did not want to read too much into it because I do not want to give the impression that this is going to cause massive civil disobedience in Ontario. That is not the point. The point is that we all benefit, society as a whole benefits by the rule of law and by respect for contracts. You cannot deny that what you people have done is tear up legally binding contracts which people thought were legally binding on themselves and on the employer.

You have torn up those contracts. There is no way you can disagree with that. You may not like to have it put that way, but that is what you have done. I would be very pleased to hear a member of the Conservatives or the Liberals put it in a different kind of way. It may be a little inconvenient for you to respect contracts, but on the other hand, it seems to me that you must do that.

On a very personal level, I do not mind telling you that I have stopped counselling my constituents the way I used to counsel them. When a constituent came to me and said, "I have a problem with this automobile I bought, it is not performing the way it is supposed to" or "I bought a vacuum cleaner" or "I bought an encyclopaedia," I always said to them, "Did you sign a contract?" They would say, "Yes, I signed the damned contract. I should not have but I did." Then I always said to them, "Well, I am sorry, but if you signed a contract, it is legally binding upon you and you must respect that contract."

I no longer counsel people to respect the contracts they have signed. I no longer do that. I am not a lawyer and I tell them that. I say to them, "I am not giving you legal advice, but I personally have no more respect for contracts signed with the province or with employers in the province. I have no reason to respect those contracts any more." Why should I? And why should my constituents respect contracts that they have signed? You tell me why. I do not understand that any more.



9:50 p.m.

Pernaps I have gone overboard in the past. Pernaps I have a respect for the law that should have never have been there in the first place. I am prepared to accept that. No longer do I have that, because I see the law as being simply useful for the people who have decided that that kind of contract is useful for the maintenance of the status quo in the province.

Why should I respect the law when the government does not respect the law? Why should my constituents respect the law when the government does not respect the law? Please explain that to me. I am sure that there are Liberal and Conservative members who are supporting this legislation who can tell me that I am wrong, who can tell me that I am wrongly counselling my constituents by saying they should not respect the contracts they have signed.

I am glad that there are people on the committee here who do have legal expertise and can tell me that what I am doing is wrong, that I am counselling civil disobedience. I want to hear those arguments.

Mr. Piché: Common sense says you are wrong.

Mr. Laughren: That is fine. Does common sense not tell you, Mr. Piché, that--

Mr. Piché: If you will not honour a contract, where is this country going to?

Mr. Laughren: Pernaps, Mr. Piché, you can answer that question yourself.

Mr. Renwick: You are very refreshing, René, and do not listen to the chairman of your caucus.

Mr. Piché: They are always saying to me to say this or do not say this. I do not listen to them.

Mr. Wrye: On a point of order: The chairman should not be picking on Mr. Piché. He must be feeling very hurt in that only two of his members came in to vote on his motion today.

Mr. Chairman: That is not a proper point of order.

Mr. Wrye: I did want to have it on the record.

Mr. Piché: I have not got all the information. I will be dealing with this matter yet.

Mr. Laughren: I would like to welcome Mrs. Brown to the committee. Pernaps she would like to testify. She has a respect for the rule of law that the member for Cochrane North does not have pernaps.

I am very serious in saying that I really do not know how members of the Legislature who support this legislation can counsel their constituents to honour contracts which they have signed. I cannot do it any more. I simply cannot. I hope someone will tell me why I cannot.

The member for Cochrane North has just said, "what is the country coming to if you do not honour contracts?" I agree with him completely. What is this province coming to if we do not honour contracts? I would love to know. But tell me who is breaking existing contracts when this legislation is passed with your majority. I am anxious to know. I am glad the member for Ottawa East (Mr. Roy) is here this evening, with his finely-honed legal mind.

I am sure he will devastate my arguments this evening, but I want to tell you that you are mistaken when you do this, the way you are doing it, to all the teachers in Ontario, if you really think that that will not have a filtering-down process, a trickling-down process, to all the students of the province, and to all their ideas of respect for law and contracts.

I personally would very much like to have the Minister of Education here before this committee to tell us about it. That is what we are discussing. The Minister of Education, after all, is responsible for the educational system and very, very largely for the values that are taught in the educational system in this province.

I can recall being a teacher in both the secondary system and the community college system, and in both cases there were courses in law, at the secondary level and at the post-secondary level. In contract law, while it may have been at a very elementary level that the chairman and others might not think very sophisticated, one of the prime components of those courses was contract law.

Tell me how a teacher teaching even just the basics of contract law to students is going to say to those students that they must honour contracts that have been signed when they have just had their own contracts torn up. Tell me how that is possible. As a former teacher, I could not do that. It would not matter what my political preferences were. It would not matter at all. You cannot expect teachers in the system to do that. They will not do it.

While they may very well end up voting Liberal or Conservative or whatever, that does not mean they will pass on respect for the law the way they would have done otherwise without this legislation. You can block the appearance of the Minister of Education before this committee if you like, you and your colleagues in the Conservative Party and the Liberals--not the Liberals, I am sorry, they have been supporting us on these--but you will not be serving your system well. I would ask members of the Conservative caucus to reconsider and to support this motion, particularly because it is the Minister of Education. I believe she should appear before this committee. It is time you had a heavy hitter here.

Mr. Jones: I will be very brief. As for the matter of the Minister of Education appearing before us and Mr. Laughren's comments as to why she especially should be here, due to the fact that she is the key person within government from which flows our educational system, from which flows our young people's respect for law, I do have to remind him that laws are changed to meet the needs of the day, as we all know and acknowledge as legislators. As we heard our Premier announce as he announced this program, as we heard our Treasurer expand on it as he made his comments in the debate, we are in very extreme economic hardship times, and this program and this legislation was brought forward as a very important piece to help improve that economic environment.

Mr. Renwick made comments about how steep his party's principles are as to the reasons why they propose to be rigid in the strategies that they have been giving to this committee. Well, a lot of us feel rather strongly too that this particular program, this legislation, is important to help us out of the economic difficulties that this province, within this country, within this world economy is faced.

As we talk about section 2 of the bill, as he said, no one single minister of the Crown has responsibility, I would suggest, and as he talked about the Inflation Restraint Board and the board chairman, it is true there is no mention of a single minister of the crown in that context in that part of the bill. However, there certainly is a very clear responsibility back through to the executive council, and the Lieutenant Governor in Council is designated and, for that matter, can replace a member of the board. I do not know what more responsibility that would tie.

Mr. Renwick: Oh, for God's sake, that is not parliamentary responsibility; that is autocracy.

Mr. Jones: I will simply say that while it is being put on the record that for some reason or other there was no responsibility by crown ministers, there has been talk tonight about the Minister of Education, and indeed all the other ministers, and there have been suggestions about some others that will be subject of future motions. I simply would say I cannot let it stand.

10 p.m.

This is a government bill and it has the full force of all of the ministers, no matter how they--be it the Minister of Education or others--have a responsibility for the bill. It is true, we have acknowledged it, and we ask the members to please get on with the next order of business.

Mr. Wildman: The Minister of Labour said he was philosophically against it.

Mr. Jones: We feel it is very important that we get on with the clause by clause.



Mr. Wrye: I will attempt to be brief as it not my desire to prolong this discussion on procedural matters. I do want to draw to your attention to the fact that the Minister without Portfolio has joined us. I somehow fear he may be offered to the committee as an alternative.

I also note the member for Brantford (Mr. Gillies) has joined us. I would say to the Tory members that the member for Brantford has already sustained a very expensive defeat tonight in York South, and I would hope they would take his pocket book into mind as the hours and days proceed. I want to be serious just for a minute.

Mr. Chairman: If members wish to take part in any by-play or otherwise, they should be in a chair.

Mr. Wrye: I do want to be quite serious for a minute. I want to be careful that my own frustration does not show. I have been here for the last three days of procedural wrangling. On a majority of these motions, we as a party have supported our friends in the NDP and they have supported us, only to be stonewalled by the government members.

I want to say to the government members in all seriousness, that the hour is late and we are drawing to a close in this week's sittings. I feel quite strongly that I was sent here to be productive. I believe it is now clear--and it should be clear to government members--that in moving to call the Minister of Education before this committee, the opposition is sounding a warning that we wish to have reasonable discussion of the issues with a reasonable number of members. We do not just want to discuss it with the Treasurer who is carrying the bill and with the Minister of Consumer and Commercial Relations who has some responsibilities after the bill comes into place.

The government members are aware the Minister of Education's name was not on the original list of amendments. I am sure that as the hours and days proceed, we may find some other surprises coming before us, not trying to anticipate any future motions, of course.

I am concerned that we are really drawing this procedure to a halt. We are doing so in a sense perhaps because my friends in the NDP wish to filibuster. I am not going to attempt to move into their minds and understand whether they wish to filibuster. Quite frankly--and I say this with some degree of frustration--if it is the desire of the NDP to filibuster, the Conservative majority is making it awfully easy by refusing, time and again, any number or reasonable requests.

For the record, I will support the appearance of the Minister of Education prior to clause by clause. During clause by clause--I am prepared to be reasonable--let us bring the minister in for certain aspects of the bill. If the government does not want to bring a certain minister in, I am prepared to say we will allow other ministers to come in to take a look at that.



I am suggesting to you, Mr. Chairman, with all due respect, that there is simply going to have to be more than just Dr. Elgie and, according to some discussions, the Deputy Minister of Labour. Some members of the government who have spoken about this matter privately have indicated--

Interjections.

Mr. Wrye: Mr. Chairman, I would note for the record that we have been joined by another gentleman who suffered a crushing defeat tonight. I do not want to prolong this, but I leave it with the government members that this can go on and on and on and we can wish each other a Merry Christmas and Happy New Year. That is not my desire; hopefully, it is not theirs and, hopefully, it is not that of the NDP. Hopefully, it is the desire of all of us to debate these matters at reasonable length and with the appropriate ministers present. Failing that, I fear the debate will continue as it has. I have been here for the last three days on a number of matters which are, in a sense, in the ultimate moment not germane to the bill.

Mr. Cooke: Are you going to be here Monday?

Mr. Wrye: No, I will not be here on Monday because this committee will not be sitting.

Mr. Cooke: On a point of order: There is a limousine waiting out back for Mr. Roy.

Mr. Chairman: That is no point of order.

Mr. Roy: No problem. I can go on for 20 or 30 minutes and still make the plane. The NDP this evening have a bit more than their usual exuberance. Some of them even show a bit of a sense of humour, which is unusual for the people on this legislation. Mr. Wrye has explained that the government, with this legislation and with this approach, does not make it very easy, even though I have strong views about the games the NDP have played here in the last few days.

Mr. Laughren: You are joining us.

Mr. Cooke: You called up the last 20-minute delay.

Mr. Bradley: That was different.

Mr. Roy: I find it very interesting that we sit here for hours and listen to the NDP and do not say a word, but the minute we start talking to them--

Mr. Cooke: You don't say a word because you are not here on Mondays.

Mr. Roy: The member for Windsor is the best barker around. He is just like a dog yapping at the moon.

Mr. Cooke: I cannot hear you. Do you want to repeat that?

10:10 p.m.

Mr. Roy: I said you are consistently barking. As I was saying, the attitude of some of the government, by being so intransigent on some of the requests being made, along with some of the weaknesses in the legislation, make it difficult to be supportive of the program. For example, the doctors are not included and the bill is so weak on prices. On this particular motion--

Interjections.

Mr. Chairman: Order. Mr. Cooke and Mr. Laughren, please, Mr. Roy has the floor.

Mr. Cooke: A point of order.

Mr. Roy: You are the most impolite, insensitive bastard around here. Do you know that? People listen to you for hours saying things and you cannot listen. You are like a dog barking.

Mr. Swart: I think that comment is a little unparliamentary.

Mr. Chairman: Not really under the circumstances.

Mr. Cooke: I think the member for Ottawa East is a bit out of order. His comments, his accusations about me being a whatever, and the applause from the government whip, who is supposed to hold a high place and applauds such ridiculous comments--If the member for Ottawa East wants to make those kinds of comments, ne--

Mr. Chairman: Those comments were after you called for your point of order. You must deal with something that happened prior to that time.

Mr. Cooke: The point of order was that the member for Ottawa East was not talking about the motion whatsoever.

Mr. Chairman: That is not appropriate. Mr. Roy, try again.

Mr. Roy: I listened to my colleague, the member for Sudbury East talk in a very eloquent way--

Mr. Cooke: He was not here.

Mr. Roy: --about a breach of contract and how he had been misled. I am surprised he would not have said that.

Mr. Cooke: He was talking about deficits.

Mr. Bradley: He has got a curved line in his--

Mr. Roy: You have got a problem. You just cannot shut up.

Mr. Cooke: I do not have a problem. You have a problem.

Mr. Roy: I was saying the most effective way to change contracts is to change it by way of negotiation. It has been done. You will recall the difficulties experienced by Chrysler Canada Ltd. They sat down with their employees a couple of years ago, reviewed their collective agreements and made changes. There are times when there is a plant shutdown where a contract simply is not followed.

At that point the contracts are summarily terminated. Quebec decided to impose controls on the public sector. First, they attempted to do it by negotiation. They negotiated for a period of about six months, but unfortunately--

Mr. Laughren: They tried it here.

Mr. Roy: I am not saying they tried it here. All I am saying is that it is not very easy for a government to come along and start renegotiating contracts for maybe 300,000 people in the public sector.

I gave you an example, in Quebec, where the government was considered to be very supportive, or was at least supported very much by labour, but was not able to come to any agreement. They then had to turn around and impose cutbacks.

I ask my friend Mr. Laughren whether he really feels the government could, in this particular case, have gone to each and every group in the public sector and negotiated a five per cent increase in their collective agreement? I am saying they should have tried, but I am also saying I can understand that the government, having looked at the experience of other jurisdictions, came to the conclusion that it was impractical, for whatever reason, to attempt even to do that.

Mr. Laughren: Would you allow a very quick interjection?

Mr. Roy: Sure.

Mr. Laughren: It is something that I have pinned up on the wall of my constituency office which says, "It is better to debate a question without settling it than to settle a question without debating it."

Mr. Roy: All I am saying, and maybe somebody here can help me, can anyone here point out any major jurisdiction which has been able to go back to its public sector people and renegotiate an agreement? If anyone can in North America or in other jurisdictions, it may be worth while looking at. I do not know.

Mr. Cooke: It depends on whether they are willing. I can give you an example of where they would be willing.

Mr. Roy: That is not my question. I am asking you, can you point out any major jurisdiction where they have been able to go back to their public sector employees and renegotiate a contract downwards? I do not know of any.

Mr. Laughren: Have you ever seen employers suddenly reduce their working week either?

Mr. Roy: My friend Mr. Laughren is saying, because of that, it is a very cowardly, dictatorial fashion of imposing it, and then he goes on to tell all his constituents that the contracts they now have are not worth the paper they are written on. I think that is unfortunate advice and bad advice because I would think that circumstances unfortunately dictated, in part, the actions of the government.

Mr. R. F. Johnston: The last thing the unions said was that they were not going to do anything.

Mr. Roy: Mr. Chairman, if I may proceed, just on this particular motion, I must say that on some parts of the motion I heard this afternoon, about calling the chairman of this board which will be reviewing prices, Mr. Biddell, I was supportive, and a number of ministers should be here as well to answer about their role and the effect of this particular legislation on people within their ministry. But it is quite clear on this motion and a variety of others that the approach of the NDP is to systematically delay and filibuster the legislation.

That is obvious and unfortunate. If I could see some logical motivation for them to proceed in this fashion, if there was a motive, other than that the government withdraw the bill--I would like to ask my friends what advantage or possible motivation they could have to systematically delay or play games or to do as Mr. Cooke has pointed out this afternoon. He pointed out how many hours you were able to waste on this legislation.

Mr. Cooke: On a point of privilege, Mr. Chairman--

Mr. Chairman: Without the point of privilege, I don't think he used the expression "waste."

Mr. Roy: He bragged about how many hours it is taking.

Mr. Cooke: On a point of order, Mr. Chairman: On numerous occasions this afternoon, this evening, the day before, the day before that and many days before that, you brought me to order, saying I was not addressing the chair. The member for Ottawa whatever is not addressing the chair and I think you should

Mr. Chairman: That is a valid point of order. You should mention Dr. Stephenson every so often, as the NDP has done, in your remarks.

Mr. Roy: Thank you. I need Mr. Cooke to tell me what the rules are around here.



Mr. Chairman: A point of order. Mr. Wildman.

Mr. Wildman: Perhaps the member for Ottawa East would, and this is a serious question, entertain one question. Is your basic argument in favour of situation ethics?

Mr. Chairman: Situation who?

Mr. Wildman: Situation ethics. Is this not an argument you are making calling for situation ethics?

Mr. Chairman: That is not a valid point of order. It may be at a different point and a different place. Mr. Roy, will you carry on, please?

10:20 p.m.

Mr. Roy: Mr. Chairman, clearly the motion to try to get the Minister of Education here is another part of the strategy on the part of the NDP to further delay, to further play games, to further fillibuster.

Mr. Wildman: Are you not supporting the motion? Your colleagues are.

Mr. Roy: No, I am not supporting this motion. I thought it was obvious I was not supporting this motion. My colleagues are free. That is the part about this party. Nobody uses jackboots in this caucus. We have meetings. We believe in committees. We think members on committees should have a certain amount of independence. I want to say I am not in support of this motion because I do not want to be part of a strategy whereby people delay, people play games--

Interjections.

Mr. Cooke: You won't even be here to vote on it.

Mr. Roy: Listen to the dog again. Listen to him bark.

Interjections.

Mr. Mitchell: I was wondering if the chairman had any contemplation in his mind of applying rule 10 again at this point.

Mr. Chairman: Not quite. That is where there is grave disorder.

Mr. Roy: I am not at all. I am just about finished.

Mr. Chairman: Mr. Roy, you are not the chief offender at the present time.

Mr. Roy: I just want to make it very clear for the record that I, for one, do not want to be a party with a group of MPPs, people from the NDP, who are systematically--Listen to them. They just can't shut up.

Mr. Cooke: Jim Bradley is supporting this motion.

Interjections.

Mr. Chairman: Order. That is the last time. Let's go, we have seven or eight minutes left and Mr. Roy has the floor.

Mr. Cooke: Last time for what?

Mr. Roy: I must say, Mr. Chairman, your job must be very difficult. For montns the NDP has been attacking people, and everyone sits back and listens to them, but the minute you say something offensive to any of their members--

Interjections.

Mr. Roy: Let me finish. I just want to get on record what I feel about the actions of the NDP on this legislation, and we are going back now to September 21, since the fillibuster has in part been in force. There have been such actions, especially the actions going on in this committee, the actions that Mr. Cooke was bragging about this afternoon, about how we were able to take up two hours here, three hours here and another two hours there. He says we are going to take up more time--

Mr. Cooke: You were not even here.

Mr. Wildman: What about the sales tax debate?

Mr. Bradley: That was a matter of principle.

Interjections.

Mr. Chairman: Order. Gentlemen, under standing order 10, I am adjourning this meeting for 10 minutes, which puts us past 10:30 p.m.

Mr. Chairman suspended proceedings at 10.24 p.m.

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STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE  
INFLATION RESTRAINT ACT  
TUESDAY, NOVEMBER 9, 1982  
Afternoon sitting



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breaugh, M. J. (Osnawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Elston, M. J. (Huron-Bruce L)  
Eves, E. L. (Parry Sound PC)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Stevenson, K. R. (Durnam-York PC)  
Swart, M. L. (Welland-Thorold NDP)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitutions:

Epp, H. A. (Waterloo North L) for Mr. Wrye  
Gillies, P. A. (Brantford PC) for Mr. Brandt  
Jones, T. (Mississauga North PC) for Mr. Eves  
Laughren, F. (Nickel Belt NDP) for Mr. Swart  
Mackenzie, R. W. (Hamilton East NDP) for Mr. Breaugh

Also taking part:

Cassidy, M. (Ottawa Centre NDP)  
Foulds, J. F. (Port Arthur NDP)  
Martel, E. W. (Sudbury East NDP)

Clerk: Arnott, D.



LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Tuesday, November 9, 1982

The committee met at 3:42 p.m. in room 151.

INFLATION RESTRAINT ACT  
(continued)

Resuming consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: Gentlemen, we have a quorum. Mr. Jones, are you a member of the committee?

Mr. Jones: Yes.

Mr. Chairman: All right. We will be dispensing with the minister or his parliamentary assistant.

I believe, according to my notes, when we broke last Thursday night Mr. Roy was speaking and it was at about--oh, we have a new clock--10:21 p.m. that I called an adjournment for 10 minutes, which took us past 10:30. Left to speak on the subamendment were Messrs. Swart, Cooke and Johnston. None of those people is here.

Having had a long discussion, with 14 speakers--

Mr. Laughren: Could I speak to this?

Mr. Chairman: You would also like to speak again, would you?

Mr. Laughren: Yes.

Mr. Piché: Has he spoken already?

Mr. Chairman: Oh, yes.

You would like to speak again, yes. Go ahead, Mr. Laughren.

Mr. Laughren: Thank you. Gentlemen, I will be very brief because I do not want to unduly delay the deliberations of the committee.

The other night, as we adjourned in chaos, I thought the government members of the committee had been persuaded on having the Minister of Education (Miss Stephenson) come before the committee because of the impact on the educational system. It is conceivable that since that night--I believe that was Thursday night--and now, the members might have forgotten some of the reasons for their intention to support this motion and I thought that perhaps they would need to be reminded.

Mr. Chairman: Without repeating yourself.

Mr. Laughren: Without repeating any of the arguments.

Mr. Jones: We remember your arguments.

Mr. Laughren: I remember very well my arguments, namely that the Minister of Education should be asked to come before this committee, invited to come--I do not say the word ordered or subpoenaed, we have not even asked for a Speaker's warrant to have any of these people come before this committee. The way that the government members are pushing us, who knows what we will end up requesting before these hearings are over.

I really do believe, in as serious a way as I can put it, that the minister should appear before us because the committee members know the teaching profession is one of the major groups to be affected by this bill.

Do you really think you can sell this bill out there across Ontario if you don't have the support of the various ministers whose jurisdictions will be most affected? We said the same thing about the other ministers who we want to come before this committee. I think not to give the Minister of Education an invitation would be a very serious mistake.

Does this committee know that the Minister of Education does not want to be here? Do you know that she doesn't want to appear before the committee? Do the members know that? There are some blank stares when I say that. Mind you, there were blank stares before I asked the question.

Mr. Mitchell: Are you suggesting that we would move that an invitation be extended?

Mr. Chairman: Is this a point of order, Mr. Mitchell?

Mr. Mitchell: No, I just heard the word "invitation."

Mr. Chairman: Sorry, you can't respond to an invitation. You can take a court order.

Mr. Mitchell: I am asking a question, since it was--

Mr. Chairman: You cannot ask a question, you can either take a point of order, of privilege, or nothing.

Mr. Mitchell: Well, on a point of order: did he mean it literally as an invitation?

Interjection.

Mr. Chairman: What is your point of order, Mr. Mitchell?

Mr. Mitchell: I was just asking Mr. Laughren if he meant an invitation?

Mr. Chairman: To whom?

Mr. Mitchell: Well, he just said "invitation to many people."

Mr. Laughren: Mr. Chairman, do you understand where the member from Ottawa is coming from?

Mr. Chairman: Yes--not really, Mr. Laughren. But then, I am not sure where you are coming from either so would you carry on, please?

Mr. Laughren: Would you agree that the member for Carleton is out to lunch?

Mr. Chairman: No, sir, he is sitting right here.

Mr. Laughren: I see. Anyway, I was asking a rhetorical question which the member from Ottawa does not seem to understand does not require an answer; namely whether the Conservative members knew the Minister of Education didn't want to appear before the committee. You are being terribly presumptuous.

Perhaps the Minister of Education is sitting up there pining away in her office, anxiously hoping that she will get an invitation to appear before this committee, and it is presumptuous on the part of her colleagues in the government caucus not to extend that invitation to her.

It is still a rhetorical question, Mr. Chairman. I am not looking for any assistance from the member from Ottawa. I would ask you, Mr. Chairman, to nod your head in the time-honoured tradition of indicating to your colleagues what way you want them to vote on this particular motion, because then they will do as you direct, depending on the movement of your head.

Mr. Mackenzie: I think, Mr. Chairman, that the question that was asked a minute or two earlier is a valid one. I really do wonder if there has been any consultation at all by members of this committee with the Minister of Education as to her willingness or unwillingness to sit in here. It is one thing for the Tory party to stonewall, but it seems to me it is another thing altogether to find out whether or not there is a willingness to appear before starting clause by clause voluntarily.

I couldn't help but notice, and the reason I want just to make a couple of comments is that the teachers' meetings are now taking place right across Ontario. I note one I didn't know about. I know about the one that is going on today in Windsor, but even in Coburg community centre last Wednesday evening there were 400 teachers crowded in to hear about the bill and to express their opinions on it. The majority of them turning out, as it says in the release here, despite wet, slick roads and a cold and rainy night.

Certainly, the indication is that right across the province it is not just the hospital workers and the other public service workers but the teachers as well who are turning out in large numbers to discuss what's happening with them and what's happening to their view of education and where they stand in terms of

teaching education in the province when this kind of undemocratic procedure and bill is going through.

It seems to me that there is an extremely valid question to be asked of the minister and that we simply can't proceed with the hearings on clause by clause without being able to find out just exactly what the minister has in mind in terms of dealing with the unrest and the uproar that's going to be caused as a result of this legislation in Ontario.

3:50 p.m.

Mr. Stevenson: I have listened, of course, at great length to the comments of the members opposite and I think it's very safe to say that the members on this side have talked to the ministers in question and have talked to our House leader and they are fully aware of what is going on down here and what is being said.

It certainly has not been the tradition for other ministers to appear in committee hearings when we are dealing with a bill that is being carried by another minister and it will not be the practice in this particular bill. To suggest that there has been no consultation or no involvement, of course, is ridiculous.

Mr. Elston: There hasn't been in the Legislature. We haven't had an opportunity, inside the democratic process that we are used to, of addressing concerns in this sort of all-encompassing bill.

Mr. Chairman: Mr. Elston, I am afraid you are out of order. Mr. Stevenson has the floor.

Mr. Stevenson: We have mentioned before that there have been very few questions regarding Bill 179 to the other ministers in the House during question period. Now, of course, we get answers that that is not a very appropriate place. Well, that's fine, you can have those opinions, but quite clearly there are virtually no questions being asked up there regarding this bill.

I think it's fairly obvious what the motives are here and we do not support them whatsoever.

Mr. Mackenzie: Once again it is obvious that the House is not the place for the questions. I wonder why the one point we have tried to make in this argument doesn't seem to get through to the members. I would just like to know if they are rejecting it as well.

That is simply that while you call it a treasury bill it's not the Treasurer (Mr..F. S. Miller) who's going to be catching the flak for this bill. And it's not just a period of days, weeks or months, but you are talking about a couple of years when you are going to have the repercussions as a result of this bill.

Surely the people who are most affected--we've named the three key ministers; there's a number of them, but the three key ministers outside of Treasury--should be before the committee to



tell us just exactly how it is going to affect their departments. I can't understand the lack of understanding of that particular rationale. Certainly the Minister of Education is going to be hearing from teachers for a long, long time, just as the Minister of Labour (Mr. Ramsay) and the Chairman of Management Board (Mr. McCague) are.

It is something you can't put off by saying, "Hey, you can ask a question or two in the House," or, "It's not a policy." I don't know if there has been another piece of legislation that has as much effect, has so much more effect, on other ministers, even though it may have been brought in by Treasury, where we haven't had the people before the committee to give us some of the answers we are asking for.

Mr. Jones: I think the point was made by many of the speakers, Mr. Chairman, just for clarification, that this is an overall economic bill. I think the members, even of the opposition, have agreed that that is the case and I think they do follow the logic of why the Treasury and the Treasurer are carrying this bill.

Others of us could probably share with you conversations we've had with constituents including teachers over our weekends in our respective ridings. I know for my part that I have been, I suppose, encouraged by some of the comments I've had teachers share with me where they recognize what the government is accomplishing with this bill and they know that they have an example to set and they know that they are affected by it, to be sure, and they've been discussing it.

So, while Mr. Mackenzie talks to us about the large gatherings, indeed I don't question the numbers, but I know all of us, as people who are in touch with our respective constituents, also know that there is a lot of other thought among groups such as the teachers.

Mr. Mackenzie: Your cabinet ministers were using it as one of the arguments in York South and it got you the lowest vote you've ever had there.

Mr. Chairman: There being no further speakers, may we vote?

Mr. Mackenzie: Can we call in the members?

Mr. Chairman: Thank you. I think you should wait for me to announce a vote before you ask for the calling in of the members. Thank you. We've got to keep things in proper priority.

Twenty minutes from 3:53, which will be at 4:13 p.m.

The committee recessed at 3:53 p.m.

4:13 p.m.

Mr. Chairman: It being 4:13, shall we have the vote? I presume you wish a recorded vote as usual, Mr. Mackenzie.

Gentlemen, we are voting on Mr. Cooke's subamendment about Dr. Stephenson appearing before this committee. Would you reply to the clerk?

The committee divided on Mr. Cooke's motion, which was negatived on the following vote:

Ayes

Elston, Epp, Laughren, Mackenzie.

Nays

Gillies, Jones, Mitchell, Piché, Stevenson, Watson.

Ayes, four; nays, six.

Mr. Chairman: Shall we carry on with the amendment of Mr. Mackenzie?

Mr. Mackenzie: Mr. Chairman, I have another amendment.

Mr. Chairman: Yes, Mr. Mackenzie.

Mr. Mackenzie moves that the amendment to the motion be further amended by adding: "The chairman and chief executive officer of the Education Relations Commission be requested to appear before the justice committee to discuss the implications of Bill 179 on teacher-school board negotiations and relations in Ontario."

Do you have this in writing, Mr. Mackenzie?

Mr. Mackenzie: Yes, I do.

Mr. Chairman: Any more than one copy? Will you please fill us in on that, Mr. Mackenzie?

Mr. Mackenzie: I am sure to everybody in this room it should be crystal clear, even if it is a little bit difficult for myself.

The Education Relations Commission, as you probably know, was set up to in effect assist or monitor teacher negotiations, to pinpoint where there were problems in terms of a strike or lockout, and if one appeared to be there, to be able to assess when the children might be at risk in a dispute between teachers and the board of education. When Bill 100 came in it was the authority.

The question that is before us, of course, is what we have done or are doing to Bill 100. There are some serious questions to be asked on the future of the Education Relations Commission and what their job is going to be or whether indeed it has any role to play at all.

I notice, to make the point if I can, the decision in a dispute that was referred to in the House today would apply here

just as well, and this is by Stan De Jong, who happened to be the union nominee on the committee in the Eaton homes situation. He pointed out at the time of this writing--and this ties in with the letter that I read from some of the teachers who are already having Bill 179 quoted to them in terms of a dispute, that these recommendations or settlements are really being made on the basis of the bill being in place.

It says: "At the time of this writing, October 19, 1982"--and this is part of this judgement--"Bill 179 is not yet law. It has been stated that once Bill 179 does become law, which seems likely, arbitration boards duly appointed under the Hospital Labour Disputes Arbitration Act might as well pack their bags and go fishing. The reason for their existence, namely to bring painfully long interest disputes to a fitting close, has for all intents and purposes disappeared because of the cut-and-dried wage restraint guidelines in Bill 179."

It goes on, and it is referring to the other case altogether, but I think the point is well made. I notice in the Matthews commission report, which summarized the functions of the Education Relations Commission, they say that Bill 100--which in effect they are overseeing and this is the right of the teachers to strike which disappears--provides for local bargaining between teachers and the school boards. Broader base bargaining, for example, on a regional level is also permitted, provided that both parties voluntarily agree.

"All collective agreements under Bill 100 begin on September 1 and terminate August 31 and must be of at least one year's duration. The scope of bargaining is open and can include any item put forward by either party. Every agreement must contain a clause preventing strikes or lockouts from occurring during the term of the agreement.

"In addition"--I think this is the key point--"every agreement must contain a method for arriving at a final and binding settlement of all grievances arising out of the interpretation, the application, the administration or alleged contravention of the agreement."

That is an important part of the ERC's role. It goes on the say: "In the summary of the legislation that this commission is responsible for, in dealing with the teachers, that under Bill 100 the teachers have a legal right to strike; a strike being defined as 'any withdrawal of services, work-to-rule, mass resignation or other concerted activity designed to bring pressure to bear upon a school board to reach settlement.'

"The boards, on the other hand, have the right to lock out but only in response to strike action by the teachers. Furthermore, when a collective agreement has expired and 60 days have elapsed after the fact-finders report has been made public, a school board may unilaterally alter the terms of the expired collective agreement. Although principals and vice-principals are members of the teachers' branch affiliate, they are required, under Bill 100, to remain on duty during the strike, lockout or closing of the schools."



4:20 p.m.

I think it gets important in terms of the bill we have before us. It says: "Third party assistance in the form of mediation and fact-finding is available to the parties to help them reach settlement. Voluntary binding arbitration and final offer selection are also provided as alternatives to the use of sanctions."

"Bill 100 also structures the timing of the negotiations process. Either party may give written notice to the other party within the month of January of its desire to negotiate a new agreement. The parties are then required to meet within 30 days from the giving of notice, must negotiate in good faith and make every reasonable effort to reach agreement."

That, in itself, raises a point. Negotiate in good faith and make every reasonable effort to reach agreement--one of the points we have been making all along, is what avenue do the teachers have?

"If a settlement has not been reached by the time the agreement expires, the Education Relations Commission must appoint a fact-finder. The fact-finder must write a report setting out the issues agreed upon and the items still in dispute."

Really, what is the use of the ERC appointing the fact-finder and setting out the issues still in dispute? We have no method to resolve them.

"The report, which may or may not contain nonbinding recommendations, must be submitted to the Education Relations Commission within 30 days of the appointment. Copies of the report are given to each of the parties and, if agreement is not then reached in 15 days, the report is made public."

"Fifteen days after the fact-finder's report has been released to the public, the teachers may request the ERC to supervise a strike vote. If the vote is in favour of strike action, the local branch affiliate that represents the teachers must give written notice to the board, stating the date on which the strike will commence. Notice must be given at least five days before the start of a strike."

Once again, what role do we have left for this important body, for the chairman and chief executive officer of the Education Relations Commission, which was charged with this specific responsibility after we went through the long and agonizing debate in this province? Many of you will know from reading it, not being here, that it was one hell of a long fight to achieve Bill 100 for the teachers. The Education Relations Commission is a nonpartisan body established under Bill 100 to administer the legislation, and the duties of ERC include the following--I think this is important to put on the record as well.

"Specific duties of ERC: Monitoring the negotiations process." What are they going to monitor now with Bill 179? "Supplying both parties with objective collective bargaining



information." What is the good of that? Next, to save money, we will want to cut the Education Relations Commission.

"Training third party neutrals, mediators, fact-finders, arbitrators and final offer selectors." You know when you can't go to arbitration, there doesn't seem to be a hell of a lot to do for the people we have trained for this particular role.

"Making determinations about good faith bargaining." Ask any of the members of the other two parties: how are you going to determine good faith bargaining when you are bargaining with no clout whatsoever, when you are bargaining with nothing, when you might as well be bargaining without a union? How do you establish good faith bargaining?

"Conducting supervised secret ballots; last offer strike votes." Every one of the key roles of the Education Relations Commission is shot down in flames by this particular piece of legislation. I sometimes wonder--and it is only an observation by a total layman--whether this is one of the implications that was thought of or not, in terms of this particular bill.

Are we going to have the commission and staff--and I am not looking to put anybody out of a job--sitting in their offices drawing their salaries for the next two or three years? Are there other groups involved as well as the Education Relations Commission, because they now have no role, no power, no authority, no nothing?

"Advising the Lieutenant Governor in Council when, in the opinion of the commission, the continuance of a strike, lockout, closing of a school will jeopardize the students' chances of successfully completing their courses of study." They do not have that role any more because it is a nonexistent question.

I think those are legitimate questions. I am wondering how much money we are wasting, as well as what you are trying to save, with this kind of legislation. What are you now going to do with the Education Relations Commission and the chief executive officer and whatever staff they have? What role will they now play?

Generally speaking, their role has been largely successful and well thought of. Bill 100 has worked very well in Ontario. Why not have this body testify? It can probably give us more insight into what has happened since Bill 100 was passed and its role in monitoring or overseeing Bill 100 if you like, than any other group.

I am not doing it on a vested interest basis--although they might have that as well--but it would seem they have something to contribute to the debate before this committee. It just does not make sense to me--as it did not with the various ministers--not to have a group that was so involved, and is now so totally cut out of the picture, before this committee before we make a final determination and get into clause by clause on Bill 179.

Mr. Chairman: Thank you. Mr. Laughren, I did not want to forget you, but you should ask me a little before that.

Mr. Laughren: I see. I appreciate that warning.

When I read this amendment, I wish I had thought of it. It is excellent.

The questions raised by my colleague from Hamilton East are most appropriate, and this should not be regarded as simply a procedural motion. I wish the chairman and the members of the committee would seriously think about what my colleague has said.

What is the role of the ERC now? Are you going to recommend there be a moratorium on its operations, that it be temporarily suspended? If you had allowed the Minister of Education to appear before the committee, we could have asked her some of these questions, and perhaps she could have given us some answers. You cannot slap the ERC in the face like this without expecting us to have some answers.

Why would the members of the committee not support this motion? Would it be because they know or suspect the ERC was never consulted, never asked whether or not wage settlements in the teaching profession were reasonable or unreasonable, whether or not they thought this legislation--if you were determined to bring it in--should also apply to teachers or should apply only to other workers in the public sector? I suspect you do not know the answers to those questions. If the members do, I sure would like to know what they are.

You cannot set up a commission such as the ERC, with some very competent people who take a pride in doing their job, and then pull the rug out from under them like this. How would you feel if you were on the ERC and were doing a job for which you had been paid and which you took very seriously, and then were told suddenly, "You are redundant, you have nothing to do any more; you are meaningless"?

That is what this legislation is saying to the ERC. Do members of the committee fear that if the ERC chairman was to come before it, that is what they would hear; that it does not make sense, that they were never consulted on what would be the effect? You will notice the wording, by the way. It talks about teacher-school board negotiations and relations. Are the committee members worried they will deteriorate? I should like to hear the views of the ERC.

How can members of the committee support this bill not knowing answers to these questions? You are preaching restraint one moment and the next moment you are going to allow a commission to continue that will have no role to play. I do not know how you think that makes any sense. Perhaps committee members will be able to allay my fears. I hope you will speak to this motion, because if I was a member of the ERC, I am afraid I would use rather unparliamentary language in telling the minister what to do with the position I have, because it is now simply redundant.

I look forward to the response of the Conservative members of this committee to the questions raised by my colleague from Hamilton East.

4:30 p.m.

Is the member for Cochrane North going to get into this debate? I hope he does.

Mr. Piché: Don't hold your breath.

Mr. Laughren: I am finding the attitude of the Conservative members very discouraging. They are not helping us to get through this legislation with dispatch, with their unyielding attitude and their inability to be flexible on any of the motions that have been put before the committee.

I would not mind so much if the government members could respond when we raise questions--such as those of my colleague from Hamilton East which I really believe are legitimate questions--and tell us why they do not make sense. Tell us why those are illegitimate questions. I really believe they deserve an answer. It is very frustrating for us on this side of the committee room if you just sit there like a bunch of mummies and do not respond.

If the questions we raise are illegitimate, tell us so and tell us why. If they are legitimate questions, you could at least debate them. This motion should be viewed as more than a procedural one, because it is terribly important that we have some answers to the questions if we are going to understand the impact of the legislation on teacher-board negotiations and relations.

I do not know what the ERC is going to do for the next year or two. I have no idea. Do they know? What have they been told? Have they expressed their views? We do not know that. Perhaps it is coming to light--as we go through these debates--just why the ministers are not coming before this committee. Are there too many legitimate questions that you simply will not answer, will not allow yourselves to answer?

If you start to answer them, it is almost as if the flood gates will open. Is that what is bothering you; that it is the kind of legislation that you simply believe must be enacted--damn the torpedoes and full speed ahead? Is that what is bothering the members? Otherwise it seems to me you would want some answers to these questions.

I wonder whether or not you are saying to yourselves, "My God, if we give them these kinds of questions, if we get the ministers before the committee--" There are no answers to many of them without making you appear really silly in bringing in this legislation. Perhaps you would rather just stonewall it through, not answer any of the legitimate questions, not engage in any legitimate debate on the questions we raise. That is what appears to be happening on this committee.

I know what the committee members will say, "Oh you know the NDP is simply filibustering and using up the time of the committee." If that is the case, you could tell us why you think it does not make sense to have the ERC chief executive officer and chairman come before this committee.



Why is that simply a procedural motion to the government members of the committee? Why do you see it strictly as that, rather than a legitimate attempt to get information on how this legislation will affect teacher-board negotiations and relations in Ontario? Surely we are asking a legitimate question.

If you continue to stonewall when we present these legitimate motions, and say, "It is just a procedural motion, you are filibustering," then we are not going to make much progress in this committee.

I suspect I know what your views are. You have just decided to hang tough and let us ask all these questions and not dare answer them because you will open the floodgates to questions you do not have answers for. So the easiest way is to not answer at all and not have anyone appear before the committee to help us get at the information.

I know you are committed to supporting Bill 179 and I understand it. But surely you will feel better as legislators supporting legislation when you have heard all the arguments.

"Ignorance is bliss" is a cliché, but it seems to be the attitude you are taking. The government members are saying: "We do not want to know any more facts. Do not confuse me with the facts. Just let things lie the way they are. I have blind faith in the Treasurer and his parliamentary assistant that they will bring in legislation that is good for Ontario."

That is what you are saying and you do not want any of the information that we seek. You seem to have this certainty--maybe it is the certainty of a majority, and maybe that is why I am so unfamiliar with it. You have this certainty that it must be right, because the jolly Miller from Muskoka would not bring in information that was not proper and would not bring in legislation that was not good for Ontario. That seems to be your view. Do you not think it is more appropriate for a group of legislators to get the people who can give us some answers before the committee?

That is why I come back to my argument that you fear you will open the floodgates if you get anyone before this committee who can give us some straight answers. I suspect you would not be nearly as fearful of having the Minister of Education appear before the committee as you would having the chairman of the ERC or even the Minister of Labour. I think that would bother you a great deal, because you might get some answers you did not want to hear. As I say, ignorance is bliss.

That is not a very good way to legislate in this or any other jurisdiction. I wish the government members would think about that and at least engage us in a debate on why these people should not appear before this committee.

You might even--although perhaps you should not do this officially because you might get your fingers slapped--seek out some of the people we have asked to appear before the committee. You could see what they think, whether or not they really would like to appear and to express their views.



Do you know the ERC people would not like to come and talk to us? Perhaps they would reassure you. Perhaps they would reinforce what you already believe. You do not even know that. But you are not willing to gamble on that, are you? You are much happier to sit there in the absolute certainty that what you are doing is right and that any principles or fine points that might be debated are best left undebated.

I have a plaque on the wall in my constituency office which says, "Better to debate a question and not settle it than to settle a question without debating it." It seems to me that is what you people are doing--trying to settle this question of Bill 179 without debating it.

Interjection: Let us get on with it. Let us debate it.

Mr. Stevenson: It has been hours and hours and it has not been debated.

Mr. Mitchell: Do you have the absolute certainty that you are right?

Mr. Laughren: No, if I was absolutely certain I was right I would simply filibuster without asking for people to come before the committee who could debate it with us and whom we could ask.

Mr. Mitchell: So you admit you are filibustering.

Mr. Laughren: I am not filibustering. We are trying to get people before the committee who could provide us with information. If I did not want the information--if I were like you people--I would say: "Do not worry about calling people before us. These are my views, and I am going to stick to them."

Interjection.

Mr. Chairman: Mr. Laughren has the floor.

Mr. Laughren: Thank you, Mr. Chairman. You are the only one who stands between us and chaos, do you realize that?

Mr. Chairman: Always, Mr. Laughren.

Mr. Jones: And sometimes only partly does that.

Mr. Laughren: That is right. There have been occasions when he did not do that either.

Interjections.

Mr. Laughren: The point I am trying to make is that if we did not want to investigate or debate this matter further we would not be arguing so strongly for people to appear before the committee. We would simply be like you and say, "No, I've got my mind made up, I am just going to oppose, oppose, oppose," as you are saying, "We are going to support, support, support." That is the difference.

We want people to come before the committee so that we can make sure we are right or so that you can be sure you are right. Who knows who these people would reinforce if they came before the committee? I cannot say that. I do not know.

I feel you are engaging in a process that is not right for Ontario, I really believe that. I am prepared to take the gamble by having people come before the committee, some of whom will not support my views. Who knows? Perhaps none of them will. I cannot say that for sure. You have much more certainty than I that the people who come before the committee will support your views. It is highly unlikely the ministers of the crown, for example, will--

4:40 p.m.

Mr. Jones: The government gave it a great deal of thought and attention.

Mr. Laughren: If that is the case, it is all the more reason to have them appear before the committee.

Mr. Mitchell: What are your views on the bill?

Mr. Laughren: I think that if it was not--

Mr. Chairman: Mr. Laughren, it is not fair to rise to that. You should stay with the subamendment at hand, which is regarding the Education Relations Commission and its chairman and chief executive officer.

Mr. Laughren: You bailed out the member again, Mr. Chairman, from a devastating repartee.

Mr. Mitchell: I would be happy to hear from you.

Mr. Laughren: The chairman would not.

Mr. Chairman: That is correct.

Mr. Laughren: I will end my plea, then, that the government members are not even doing themselves a service by not supporting these motions to have people come before this committee who know the answers as to how this legislation will affect their jurisdictions, their responsibilities. You do not know that. You cannot tell me you know the answer to this question. Yet you are quite happy to sit there in blissful ignorance, if I could use the phrase without offending anyone, because you do not want to know the answer. I do not understand that from a group of legislators.

I can understand it, quite frankly, more readily from a cabinet minister because they have infinite wisdom visited upon them when they are sworn in, if not infallibility. But back-benchers surely have a role to play too, in correcting mistakes of their ministers. I am talking about a legitimate role. I am not talking about a role to embarrass the ministers. I do not believe you are fulfilling that role, if I could be so bold as to suggest that.

For those reasons I think the government members should do a couple of things: they should support this motion, and they should support other motions that attempt to get people before this committee that will either reinforce their views or dissuade them from views they hold which may be wrong. I see nothing wrong with that process. You might think it is politically naive to argue that, but I do not believe so.

That is why I could not understand why you would not want the ministers to come, such as the Minister of Education which we debated a little while ago. I could understand more readily your reluctance on this motion, which you regard as a procedural motion but which is really not one. I could not understand your not wanting the ministers involved, who are the very ones who reinforce what you believe. If you do not even want those people before the committee perhaps I am a little naive in thinking you might support someone like this from the Education Relations Committee to come before us and provide some information you may not necessarily want to hear.

So I would urge the government members to think about it.

Mr. Cassidy: Mr. Chairman, frankly, I do not think it is very productive for the committee to spend the amount of time we seem to be in trying to get some people with expertise from within government to come to testify about this bill. However I would just like to point out the only reason any of this debate has taken any time has been the absolute refusal of members of the government side, who have a majority in the committee, to agree to any of this.

I think we all could agree--at least I would hope so--the time the committee is spending right now could be spent a great deal more profitably actually hearing people such as the chairman and the chief executive officer of the Education Relations Commission rather than debating whether or not that is something we ought to be doing. In fact, if the stonewalling of the government were to stop, and if there was some indication that there would be co-operation in terms of ensuring we could have that kind of expert advice, then it seems to me we could get on with the work of this committee rather than having to go with amendments and subamendments and sub-subamendments, and that kind of thing.

When we eventually get to it, I hesitate to be optimistic about the outcome of the actual motion because I have just come from doing estimates with the Chairman of Management Board--which is why I was not able to be in this committee up until now. The Chairman of Management Board and I exchanged a number of words with respect to Bill 179. I was trying to elicit from him what kind of studies were done within Management Board about what the impact of Bill 179 was going to be on collective bargaining and staff relations.

I had thought the minister who is responsible for labour relations with the Ontario government civil servants, at least those who are organized, would feel some sense of responsibility. He did not. He seemed to think it was up to the Treasurer who has



carriage of the bill down here. In fact, it did not appear he had done any more than participate in the meetings of cabinet that decided to go ahead with Bill 179. My friend from Hamilton East (Mr. Mackenzie) tells me that not yet has Mr. McCague showed up here in this committee.

What is happening, in other words, is a kind of ultimate irresponsibility when something that is being done in this committee and in the Legislature will have a fundamental effect on teachers, government workers and paragovernment workers at every level.

I am afraid we have reached the point where kind of a perverted view of the Legislature has crept in as a consequence of the interpretation of the parliamentary system which seems now to prevail within the government. What seems to be abroad is the idea that once the election gave the Conservatives their majority of seats--the minority of the votes, I would point out--the decision was taken. As far as everyone else was concerned we might as well have packed it in for four years and come back to fight another day in 1985. Nothing in between would be meaningful at all. At the most you would have a bunch of Conservatives looking bored, waiting until the opposition parties would subside, so they hoped, and then they would be able to push through whatever legislation they were told should be carried through by the people in charge.

The people in charge, of course, are ostensibly the cabinet. One has to wonder about that, because I cannot remember a large number of cabinet ministers who even were involved in such a major decision as Bill 179. There was a task force which was established over the course of the summer. The chairman was not Frank Miller, it was not George McCague or Bette Stephenson; the chairman was John Tory, who is a young hotshot on the Conservative side, who is now some kind of chief honcho within the Premier's office. He was given the responsibility of pulling this semblance of action together.

I have been struck by the reports coming out of Ottawa about the tenor of the young Liberals, about the manipulators and the cynical opportunists who are in the back rooms of the Liberal Party of Canada, taking control of the government out of the hands of the party apparatus and out of the hands of the Liberal caucus. That was stunningly revealed by the fact that, when the Prime Minister was forced to reveal that Donald Macdonald was going to be the head of this new commission on the economy, it turned out that he had not even bothered to tell Marc Lalonde, who is the Minister of Finance, let alone share his plans with the rest of the cabinet or the caucus as a whole or even with the Liberal Party hierarchy.

The same dangers are abroad here. Whether it is Hugh Segal, whether it is Ed Stewart, whether it is Clare Westcott, whether it is John Tory, whether it is Sally Barnes, whether it is Denis Massicotte, whether it is--who is that guy who is the bag man?--Bill Kelly; there is a whole tribe of them. Then there are the people down at Decima Research, or the people who come up from Detroit who do all of the polls in order that the Premier knows exactly what is to be done.



Mr. Elston: Is this part of your thesis for your course work?

Mr. Cassidy: Don't be so outraged. This is part of what is very important in terms of the working of this Legislature. Why are you so sensitive?

Mr. Elston: How come you are showing up today? You hardly ever show up any other time.

4:50 p.m.

Mr. Cassidy: If you had been listening, I explained that I have had estimates in the House for the last two weeks, which made it a bit difficult to be in this committee at the same time.

Mr. Chairman: Gentlemen, Mr. Cassidy has the floor.

Mr. Cassidy: I do not know what the member is on about, perhaps he is feeling he has been here a bit too long on this particular committee. I suggest to him that my colleagues feel they have been in the committee too long as well. The reason is because of the way the government has been handling this. It is manipulation, it is cynical, it is run by the backroom boys and it is not good for Ontario.

In another Legislature, and I cite for example California, which I think is a model we might look at from time to time and I think there are other state legislatures which likewise have--

Mr. Elston: Are you thinking of their stabilization program?

Mr. Cassidy: You are sensitive today, are you not? My goodness.

I am suggesting there may be some good ideas which could be drawn from the United States, as there are a few good ideas to be drawn from Great Britain, from Sweden, from West Germany, from France, which has a Socialist government, and maybe even from Greece.

Mr. Martel: Or Spain, if you wait until they get sworn in.

Mr. Cassidy: The fact is that our federal Parliament is no model either in terms of the way that the members of Parliament get information about important legislation. And this is a piece of important legislation. What you find, though, is that in a place like California, for example, there is a legislative support service where bills are analysed, where a number of experts are consulted, where expertise is organized in order that the members may do their job more effectively. When I look at the kind of horse-and-buggy way that this--

Mr. Stevenson: Obviously, the NDP needs that so they will not have problems drafting their bills.

Mr. Martel: We do not all get an extra person as a parliamentary assistant.

Mr. Cassidy: I would point out to the member that it is not the NDP that drafted this bill. This bill has so many loopholes and flaws, so many weaknesses, it is atrocious. If it were being put together by someone in a course--

Mr. Elston: He is suggesting we tighten this legislation up.

Mr. Cassidy: I do not want to tighten it up, I want to throw it out the window.

It is amazing how sensitive they are. Somebody asked the member for Nickel Belt (Mr. Laughren) if he was absolutely certain he was right and he said, "No, that is why we need to have some people in here--"

Mr. Mitchell: Come on, Mike, you know flaming well you have publicly said that you do not support the legislation.

Mr. Cassidy: That is right.

Mr. Mitchell: So let us not pull any games here. You have said you do not support the bill, so you are the people who are abusing the system.

Mr. Chairman: Is this a point of order?

Mr. Mitchell: I am sorry, Mr. Chairman.

Mr. Swart: Mr. Chairman, on a point of order I would like to point out to Mr. Mitchell that second reading of a bill is the bill in principle. We do not support this bill in principle. That does not mean that we do not want before this committee experts in the field to explain details of the bill to us.

You cannot shut up a member of this committee from wanting to discuss this in depth because we do not support the bill in principle on second reading. You are going a bit too far; that is closure to the extreme.

Mr. Mitchell: I am not attempting that. The honourable member said he was sitting here completely--

Mr. Chairman: Mr. Mitchell, Mr. Cassidy has the floor.

Mr. Cassidy: Thank you, Mr. Chairman.

Mr. Epp: I just want to point out that--

Mr. Chairman: No.

Mr. Cassidy: Thank you, Mr. Chairman. The point I am making is this: the area of collective bargaining is a very sensitive one, it is a very important one in a free society. We still have a free society, I hope, here in Ontario. It is an area

where it seems to me you meddle at your peril. To change the structure of collective bargaining in a radical way, you really need to move at it very slowly and carefully, and you need to be very aware of what the consequences are. There are short-term consequences and there are long-term consequences.

Mr. Laughren: There are words for the kind of state they are attempting to build here.

Mr. Cassidy: I am being interrupted by my colleague.

Mr. Elston: They used to do that a lot.

Mr. Chairman: Is this a point of order, too? This is a point of order is it? No, I am sorry, that is out of order.

Mr. Cassidy: I seem to have provoked everybody out of their torpor, which is perhaps a contribution I can make, having come into this committee with a good sense--

Mr. Epp: Particularly your own members.

Mr. Cassidy: The member for Carleton as well.

Mr. Mitchell: Michael, excuse me, I have been here every session of this committee but one.

Mr. Cassidy: I was accusing you of torpor, not of not being here.

Mr. Mitchell: You know the session that I missed was the same session you and I were in the same place.

Mr. Cassidy: Okay, and I have been doing my estimates--

Mr. Mitchell: I have been making my contributions.

Mr. Mackenzie: You have been stonewalling pretty good.

Mr. Cassidy: You have been stonewalling pretty well, yes. I have not noticed suggestions about change to the bill coming from the member for Carleton.

Mr. Chairman: Get to your points of order or please be silent.

Mr. Cassidy: I think what I will do is address what I want to say with respect to the Education Relations Commission specifically to the member for Carleton. In fact, in order to drive it home I have the Citizen there with the election results from last night. What I might do is communicate to the Citizen as well just where the member for Carleton stands with respect to how this bill affects the state of education or might affect the state of education in the Carleton school board, the area which his constituency happens to lap.

Perhaps I can personalize it that way, because we are talking about real children. We are talking about real

communities. We are talking about real people and real teachers in this case.

Mr. Mitchell: Exactly so.

Mr. Stevenson: And real taxpayers. Do not forget real taxpayers.

Mr. Cassidy: The reason this amendment calls for the chairman and the chief executive officer of the Education Relations Commission to come forward is because of the fact that the Education Relations Commission, as my colleague from Hamilton East was pointing out, has done an exceptionally effective job in injecting some order into the process of teacher bargaining over the course of the six or seven years since Bill 100 was adopted.

Mr. Chairman, you were not in the House at that time, but perhaps you can recall from the mid-1970s that prior to Bill 100 there were, in fact, simmering disputes between teachers and school boards. It was an area which was largely unregulated. The strikes that were taking place from time to time by teachers had no legal status. They were neither legal nor illegal because the law was silent about what rights teachers actually had. The situation verged on chaotic.

Bill 100 was brought in after a great deal of tergiversation by the government because it originally thought it could get away with depriving teachers of the right to strike. That was then withdrawn. I think it was Bill 67. It was withdrawn because it became very clear that were that to be done, were teachers not to have rights of free collective bargaining, you would have an intolerable situation in terms of the necessary adjustments that can only take place during the process of free collective bargaining.

At that time it was pointed out that there were many other areas besides wages which have to be determined between teachers and school boards. It was pointed out that one of the major reasons you have free collective bargaining is because if you do not have free bargaining, if you had contracts imposed, then you were making people work according to an imposed contract and people who are made to work, who are forced to work, whose work practices are ordained or preordained or decreed by a higher authority or outside body, will not work as willingly or as well.

One of the reasons we got Bill 100, and I say this to my colleague from Carleton, is because of the feeling that was abroad at the time in Ontario that surely our kids deserve to have teachers who are doing their utmost for education, who are doing their utmost in terms of the contribution they can make. You will do your utmost only if you are doing it of your own free will. I know I speak with a certain amount of passion.

5 p.m.

Mr. Mitchell: You have no dispute from me on that.

Mr. Cassidy: Okay, but what is happening under Bill 179



is that that is being destroyed. For a period, again as Mr. Mackenzie was pointing out, it is not just a month or two. It is a period which for most teachers will extend from now up until the end of August 1984. That is about 22 months from now. During that entire period there will be no free contract as far as those teachers are concerned.

You can say that does not really apply until the beginning of the next contract year in September 1983. In a sense that is correct, but the shadow of Bill 179 will start to cloud teacher-board contract and communications the moment this bill is passed. In fact, the shadow has already begun to cloud it.

The member for Carleton knows perfectly well that a number of boards have revealed themselves to be antiquated in their understanding of labour relations. Frankly, they have been pretty lousy at times at it. Other boards have attempted to be sensitive.

It is significant, and I think troubling, that in this House right now upstairs there is a debate going ahead on Bill 127 in which this same government that is bringing in Bill 179 is seeking to take bargaining powers away from the Toronto school board, a board which has demonstrated itself to be exceptionally sensitive, and I think progressive, in terms of the way in which it has sought to work together and form a partnership with its teachers, a partnership which from time to time resulted in the teachers actually receiving less in monetary terms from the Toronto board than did other teachers elsewhere in Metropolitan Toronto because of the fact that the teachers and the board co-operated in order to achieve other goals that they collectively decided were more important.

If I may come back to what I was saying before, the member for Carleton says, of course, all these things are important, nothing is more important than our kids. Then you ask yourself what is going to happen this fall if, for example, up in Simcoe county the teachers and the board find that the arrangements that had been made a year ago with respect to special education for their kids are not working. Something new needs to be devised or arranged. What is going to happen then?

While the cloud of Bill 179 is abroad, they cannot say, "Can you live with it for another few months because we'll sort it out in the contract talks in the spring and it will come into force in the fall?" It is not going to come into force in the fall. A board like Simcoe's is going to have its share of hotheads or people who think it's about time to stick it to labour. They will take out their frustrations about what they read, the Jimmy Hoffa movie they saw two decades ago. They will interpret that as meaning every teacher in the province is somehow comparable to some of the people who have populated the United States' trade union movement.

Having done that, they will then find that those hotheads on the boards of education will have their hand strengthened because of the bias that is demonstrated by Bill 179. If people argue for sensitivity, for restraint, for some sense of co-operation with the teachers, there is a grave danger that there will be other voices within boards of education, both at the administrative

level and at the political level who say: "No, now is the time to really get our own back. We have got some backing from the provincial government for once. Bette, Bill and all the rest of them are on our side." Therefore, they will tend to be more intransigent, less sensitive and less flexible than they would otherwise have been.

To come back to that example of special education, what is going to happen? Will they, in fact, be prepared to come up with some kind of an arrangement that will involve accommodation? On the teachers' side as well, having been forced into a nine-and-five world or a five per cent world, having been put under a bill that says that any change that can be interpreted in any way to have monetary implications comes under the jurisdiction of the administrator of the Inflation Restraint Board and that any change like that must be accommodated within the five per cent guideline, then the teachers are going to dig their heels in as well.

In fact, were there to be a situation where a school board and teachers agreed that a particular arrangement--let us say around special education--was not working and something needed to be changed, if they both agreed about what was to be done and the need to make the change as soon as possible, they could find, as I read Bill 179, their efforts to do so would not wash. They could be intervened on by the Inflation Restraint Board.

The IRB could say: "I'm sorry, guys, that's equivalent to an extra half a per cent in salary or indirect benefits. Therefore, that is not permissible unless you cut salaries by half a per cent." If the board says, "Look, we want to do this. It makes sense. We know it will be better for the kids." The Inflation Restraint Board is then in a position where it may say, "I am sorry, but we've got to be consistent about this. Therefore, no matter how good you think it is going to be, if we allowed you to do this, other people might run around the act. Therefore, we cannot allow it."

Those are the kinds of dangers I can see. I can see that same kind of inflexibility setting in with respect to such issues as coping with the very heavy rate of dropouts in the Carleton Board of Education, the Ottawa Board of Education and other parts of the province. There are schools in the constituency of the member for Carleton (Mr. Mitchell) where as many as 40 per cent of the kids who enter grade 9 do not even get to the end of grade 12. Yet finding ways by which that kind of problem can be resolved so those kids actually get something of the semblance of the basic education they need to survive into the 21st century--that effort is going to be stalled for two years because of the imposition of Bill 179.

Believe me, Mr. Chairman, at least as far as we can see, it is going to be damned tough to get people to sit down and talk about those kinds of issues when we are in a nine and five world and when everybody is under the jurisdiction of Bill 179. What does that mean? I have got kids who are teenagers. I have one kid right now who is in grade 9. Let us suppose he was beginning to

spin out and having trouble and I thought there was a need for programs to help that kid and help kids in his or her position so they could get through high school. Who knows? It may happen to my youngest kid.

Two years in the life of a 14- or 15-year-old student who is just nearing the end of the first year in high school--and usually the trouble doesn't begin to surface until after about a year in high school--two further years in the life of that--and you may have teenagers, Mr. Chairman--

Mr. Chairman: Three at present.

Mr. Cassidy: I will share some notes with you afterwards.

Mr. Mitchell: I have had five of them.

11. Mr. Chairman: Five? You are quite correct. About grade

Mr. Mackenzie: I have had six of them.

Mr. Laughren: We are prolific, aren't we, Bob?

Mr. Swart: Are we trying to upstage one another?

Mr. Cassidy: In this sense, it is no laughing matter.

Mr. Martel: I have only had four.

Mr. Laughren: Restraint.

Mr. Stevenson: I have only got three. I think I'll go home and start working.

Mr. Cassidy: Does the nine and five mean no more for any of you? In the life of a student aged 14 or 15 now, a failure to introduce a program that might be brought in or improved to help that kid stay in school in grade 10 may mean that kid is lost to education, not just for a year, but forever. In other words, putting things on hold in the school system for two years may have some very fundamental implications for a large number of students who are currently in school and cannot afford to wait for the couple of years that might be involved.

Mr. Chairman: Mr. Cassidy, you are assuming that any changes in Bill 82 or in mainstreaming means an increase in costs. I would be interested in hearing whether it is possible that improvements might be placed in an existing program that might mean a saving of existing costs.

5:10 p.m.

Mr. Cassidy: Fine, let us consider that. If it would mean a saving in costs, I would assume that it affects the way the teachers and boards get on together. It affects such things as where the staff go. If you can free up resources within the school



system, then what are the priorities? One of the positive things which has developed is that an effort has been made to ensure that more people are involved in terms of determining what those priorities are, rather than priorities being determined only by the school board administration.

In the boards that are furthest advanced, like Toronto, there is parental involvement, school community involvement, as well as trustee, administration and teacher involvement. Some boards have not got that far, and that effort is going to be stalled in terms of the teachers. They are going to say, "No way." Alternately, the administrations may just run with it and say, "We're going to decide what happens." That will have a grave price in terms of morale.

If I may come back to the Education Relations Commission, I said earlier that in another Legislature, perhaps in this Legislature under better management--and this place is badly managed now in terms of what we should be trying to do--a lot of this advice would be available to us without our having to go through the rather archaic procedures of having somebody running the microphone system and someone taking a note about what is being said and Hansard and all that. We would have it in front of us.

We would have people doing what was done for the select committee on Ontario Hydro. They ordered the witnesses, found out who should be coming along and made sure they provided them with relevant testimony so as to save the time of the committee. The time of this committee is an important resource.

Mr. Jones: We've had that process.

Mr. Cassidy: No, you have not.

Mr. Jones: With all due respect, Mr. Cassidy, we have had a cross-section, well-handled and well-organized.

Mr. Cassidy: Let's talk about the cross-section. In the first place, 50 or 60 groups were never able to come before the committee--40, okay--because the time was cut off by the majority of the committee.

Mr. Watson: Ten per cent were cut off one night when we agreed to hear them.

Mr. Cassidy: Forty or 50 groups were cut off by the Conservative majority on the committee.

Mr. Watson: Ten per cent of them were cut off on your man's motion.

Mr. Cassidy: Forty groups were cut off by this committee, and that means by the Conservatives on this committee. In the second place--

Mr. Mitchell: Point of order.



Mr. Watson: It was your man who sought--

Mr. Chairman: Point of order, Mr. Mitchell.

Mr. Watson: Let us talk about that. Let us talk about those things.

Mr. Mackenzie: We made a motion to extend it and look what you did with that.

Mr. Chairman: Mr. Mitchell has the floor.

Mr. Mitchell: We had attempted by motion to resolve that this committee could order its own time. That was turned down, as the member beside me has said. I was the mover of a motion one evening to attempt to get this committee to sit overtime because we had four or five groups waiting. One had got in and there were four still waiting. My attempt to resolve that and allow this committee to sit longer that night was turned down.

Mr. Martel: Let me speak to that point of order.

Mr. Chairman: Mr. Martel, on a point of order.

Mr. Martel: Mr. Chairman, if there was a motion on the floor, the motion should have been dealt with, and then if you wanted to adjourn, you adjourned. In his anxiety to get the matter over with, my information is the chairman was prepared to not deal with the motion but rather to deal with the clock, and he chose to deal with the clock.

Mr. Mitchell: No, he did not deal with the motion that was on the floor. I know who drew attention to the clock.

Mr. Stevenson: What a crock.

Mr. Watson: It was your member who apologized the next day for goofing.

Mr. Martel: I know who drew attention to the clock. I also know there was a motion on the floor that should have been dealt with. If the chairman chose not to deal with the motion that was on the floor--

Mr. Chairman: Mr. Martel, that is not accurate. We are under mandatory instructions that say we end at 10:30 p.m. As soon as anyone recognizes the clock we must stop. Mr. Breaugh recognized the clock and therefore we had to stop.

Mr. Martel: Do not give me that nonsense.

Mr. Chairman: I am afraid that is the way we have worked in here for a year and a half.

Mr. Martel: That is the way you have worked.

Mr. Chairman: No, we have worked in here.

Mr. Martel: I have watched more committees go beyond the clock in 15 years around here--

Mr. Chairman: I am certain.

Mr. Martel: --than you can even shake a stick at.

Mr. Chairman: But we have not, Mr. Martel, in our year and a half.

Mr. Martel: If you wanted to get out of it, there was a motion on the floor placed by Mr. Mitchell that should have been dealt with. You should have dealt with the motion.

Mr. Chairman: Thank you. I am not sure what the original point of order is. I suppose it is valid as an explanation but not as a point of order.

Mr. Cassidy: I am reminded of the problem, Mr. Chairman, of the moat and the beam. It is the parable about seeing the speck in the eye when there is the moat, and that is what the member for Carleton seems to be talking about. He is ignoring the fact that 40 groups were never permitted to come before this committee.

Mr. Mitchell: I am not ignoring that at all.

Mr. Chairman: Mr. Cassidy has the floor.

Mr. Cassidy: What was significant was that I was not conscious of the fact that people like the Minister of Labour or the Deputy Minister of Labour or the experts in industrial relations who work within that ministry, who work within the Education Relations Commission or within Management Board were in a position because of the way the parliamentary system works, to actually come forward and present briefs to the committee, any of those individuals, in the nonpolitical level--that is, civil servants--who had wished to do so, would have had to resign from their job in order to do so.

Mr. Jones: A point of clarification if I may, Mr. Cassidy.

Mr. Chairman: There is no such thing as a point of clarification.

Mr. Jones: Just a point of information, I suppose.

Mr. Chairman: No, there is no point of information either. Mr. Cassidy, you have the floor.

Mr. Cassidy: Under the way the restraints on civil servants work in the province, it is not in order for a civil servant to come forward independently of--

Mr. Jones: A point of order, Mr. Chairman. The member is trying to make the case that somehow or other--just as other speakers for his party did before him--he is relating us to the young Liberals and some other scheming and muzzling that we have heard commented on.

I think it did come as a surprise--it did not to the government members, but it did to some of the opposition members--that it was the government's intention from the very start to have Dr. Elgie, for example, in attendance for pertinent parts of the bill. You referred to the Ministry of Labour. It was mentioned that his deputy minister would be in attendance here and would be available for his resource--

Mr. Chairman: Mr. Jones, what is the point of order?

Mr. Jones: It would be with the Treasurer carrying the legislation.

Mr. Chairman: I am afraid Mr. Cassidy was referring to the civil servants or public servants appearing as witnesses only and their political--

Mr. Jones: That is not the only way they can assist this committee in their clause by clause--

Mr. Cassidy: Those officials come along as assistants to the minister or the parliamentary secretary. They do not come forward in a way that they can be questioned, so their expertise can be called before the committee on some of the major issues which touch on the principle of different sections of the bill. It is the conviction of members of my party that the passage of this bill will create fundamental problems in terms of the conduct of labour relations within Ontario.

Mr. Jones: The Premier said he recognizes the impact this has. We know that.

Mr. Cassidy: What is the impact? Have there been studies? One assumes studies have been made. One assumes that over the course of the summer some of those people were consulted. What advice did they give? Did they say the impact is going to be absolutely devastating, and were they overruled? Or did they say, "Well, yes, it is going to be a problem but we think if you do it this way and that way you can get away with it."

I hope they did not say that, but that might have been their advice. Did they have things to say, of which my colleagues and I may not be aware, which would touch on the kinds of arguments that have been made, not just by ourselves, but by the overwhelming number of groups that made presentations before the committee? Is there another side which was being put forward to the government when the government was considering whether or not to move forward with Bill 179?

Mr. Jones: You are not asking us to share the discussion in caucus or in cabinet or one of the other processes.

Mr. Cassidy: I am saying that if there is expertise available, we should have it.

Mr. Jones: It has been offered and you people are suggesting it has not.

Mr. Cassidy: It is not offered. Are you prepared to support the motion which is here now?

Mr. Jones: I have yet to have a chance to get to the floor to speak to the motion.

Mr. Cassidy: Yes or no. You can say that.

Mr. Chairman: Mr. Cassidy, it is not in order to question another member.

5:20 p.m.

Mr. Cassidy: If the member was going to say yes he would have said yes. The fact is that the government has continued to stonewall about this. The other thing is, regrettably, there were only one or two submissions which came before the committee during the course of its hearings which came from people who are expert in industrial relations but who are not part of one of the interest groups involved. Is that correct?.

Mr. Chairman: That is fair enough, Mr. Cassidy.

Mr. Cassidy: You heard the labour studies group from McMaster who came and, I gather, made a good presentation.

Mr. Chairman: There were two or three--fair enough--that were not part of an interest group.

Mr. Cassidy: I am not entirely sure why there were not more people who either practised labour law or who are academics concerned with industrial relations or labour law coming before the committee. I am even a bit disturbed at the fact there were not more of them to talk about what the implications are in terms of public policy of this bill. It seems to me that in an ideal world it would be desirable that we ask some of those people to come forward. It may be easier for them to be asked to come forward and to testify before the committee than to testify on their own hook.

Among other things, if the government wants them to do an arbitration the next week they cannot get rejected out of court for a lucrative job on the grounds that they could have spoken up out of turn if they were commanded to come here by the committee. But none of that expertise is coming before us or it is only coming to help the parliamentary assistant and not to testify in terms of any kind of way which could be independent. That is why I think this--

Mr. Jones: The Treasurer (Mr. F. S. Miller) is carrying the bill and he has been in attendance in the House as you know. In this committee, he will be back the minute we get on with things--

Mr. Cassidy: Perhaps you missed what I said before. I put some questions to the Chairman of the Management Board (Mr. McCague) with respect to the implications--



Mr. Jones: In his estimates?

Mr. Cassidy: In his estimates, yes. I just did not simply put them off the cuff. I wrote them out. I gave them to him on the second day of the estimates which were on for a total of four days over about two weeks. There were several days when he could have consulted with his experts and come back with answers. I did not get answers. To some extent we speak here in frustration because of our efforts to get some answers. I have not been here in this committee because I have other duties.

Perhaps I am even a bit more dispassionate than some of my colleagues who have sat through this debate within the committee from beginning to end. But I think that in terms of the integrity of the whole process of how we deal with legislation it is extremely important that people who build up an expertise over time, like the chairman and the chief executive officer of the Education Relations Commission, should be brought forward.

I think there is absolutely no question the Education Relations Commission has chalked up a first-rate record, not just within this jurisdiction but in terms of serving as a model for people from other parts of the continent including the United States. People have been coming into Ontario to talk with the Education Relations Commission to find out how Ontario does it. Ontario's legislation has, in fact, been copied or they have drawn inspiration from it in many other jurisdictions. In other words, it has an extremely valuable fund of knowledge.

When we were talking about just what has been done, the Education Relations Commission has now participated or supervised or monitored thousands of different negotiations between teachers and school boards across the province. I guess they constitute more than a fifth of the 500,000 public servants who are affected by Bill 179. So here we have a resource. We are asking why on earth we have to go through all this debate when there are experts available. It seems to me entirely appropriate that they could be called.

The bill gives the Inflation Restraint Board powers to move in to determine matters of which it has no competence or no knowledge at all with respect to very sensitive areas affecting teachers. Because of the nature of teacher contracts, the clause that defines compensation as meaning "benefits, payments or perquisites paid or provided directly or indirectly" can be interpreted as covering almost anything that is involved within a teacher-board contract.

The Education Relations Commission, I think, has established very clearly that the more you can have a body which is intimately conscious and aware of the peculiar conditions that surround the teachers the more effective it can be. If another body had to step in--well, the labour relations board knows labour relations. They could do half of a job, but even they, I think, would admit that they cannot do the job the Education Relations Commission can do in administering a very specialized act.

If the labour relations board with all of its expertise would be diffident about stepping in for the Education Relations Commission, then what the devil are we doing with this Inflation Restraint Board being given those powers? I say that as a legislative observer with some substantial experience but not as someone who has been a practitioner in the area of school-teacher labour relations.

To support what my colleague had to say, it really seems to me these people should come before the committee. I think I can speak on behalf of my colleague in saying that if it is agreed to call them to testify, this argument around this amendment can simply cease and we can decide to go onto something substantive. We can spend two or three or four hours or whatever it takes in hearing the chairman and the chief executive officer in finding out what contribution they may have to make. They may be commenting, warning, cajoling, encouraging, or whatever it is they would want to do, in talking about the potential impact, the threats, maybe even the opportunities and the benefits, if they see any, which might flow from Bill 179 applied to the education environment.

Mr. Swart: I do not profess to be any authority in the educational field. I was one of those who went through the Depression previous to this one and my education was terminated at age 14 because I had to go out and work. However, I do not hesitate to speak on this resolution before us because it is much more than dealing with educational policy. It is dealing, to me, with human rights of teachers and the relationship between teachers and boards of education, and teachers and the Ontario government. I regret I was not able to be here, because of legislation in the House, to speak on the resolution which our party put forward to have the Minister of Consumer and Commercial Relations (Mr. Elgie) here and also Mr. Biddell who is going to head up the commission.

Mr. Chairman: Mr. Swart, I would point out we are on a subamendment now. The original motion moved by Mr. Brandt was that the Honourable Robert Elgie appear--mind you it has another two tails on it--but the PC motion does suggest that he does appear.

Mr. Swart: I am very glad to hear that. I was not aware, because I was in the House, that there is some unanimous feeling the minister will be here so we can question him about the inadequacy of that section of this bill. I will look forward to discussing that at some length with him. What we have in Bill 179 at the present time dealing with any form of price control, consumer protection with regard to prices, is a farce.

Mr. Jones: Are you looking forward to testimony from the chairman of the Education Relations Committee on the price of coffee or whatever it is you are leading up to here.

Mr. Swart: Mr. Chairman, we do not want them here for that purpose, whether it is the Minister of Education (Miss Stephenson) or the chairman of the Education Relations Commission. Within this bill the government pretends there should be some

balance and the balance is between the freezing of wages and the breaking of contracts, I guess, and some price control.

Mr. Chairman: Mr. Swart, I would ask you to restrict yourself to the motion reasonably.

5:30 p.m.

Mr. Swart: I will lead into that, Mr. Chairman, in a manner which I assure you will tie the whole thing together.

Mr. Chairman: I will understand ultimately.

Mr. Swart: Yes.

Mr. Cassidy: The balance of tyranny and dictatorship, Mr. Chairman.

Mr. Swart: I wanted to be here too to have spoken when there was a subamendment asking the Minister of Education to be here so that she could take part in the discussion and answer questions with regard--

Mr. Chairman: Mr. Swart, that was voted down about an hour and a half ago--about the Minister of Education.

Mr. Swart: I realize that, Mr. Chairman, but you will realize the amendment we have before us now is at least partly a substitute because there was a decision made that the Minister of Education would not be here before this committee.

Mr. Epp: You well know that is out of order because it would be a duplication--

Mr. Swart: Well, of course, but this is not a substitute--

Mr. Mackenzie: As you well know, Mr. Epp, there is a specific role the Education Relations Commission plays.

Mr. Swart: The Education Relations Commission, perhaps for the edification for the member for Waterloo North (Mr. Epp), is almost like the labour relations board with regard to labour agreements.

Mr. Epp: You must have just read that before you came in.

Mr. Swart: Well, it is too bad you did not, or you would have known that. We ought to be able, in this party, to get the answers to some questions on what this bill is going to do to the relationship between the teachers and the boards of education and what the effect is going to be on education generally from the passage of Bill 179.

I wonder, Mr. Chairman, if you might ask the member for Waterloo North to restrain himself.



Mr. Epp: On a point of order, I am just encouraging the member to stop talking and let's vote for it. That is the way we can get those people in here more quickly. To keep talking--

Interjection: Filibustering.

Mr. Chairman: That is not a proper point of order, no. Mr. Swart has the floor.

Mr. Epp: You are harassing me, Mr. Chairman.

Mr. Chairman: You are out of order, Mr. Epp.

Mr. Cassidy: On the point of order, Mr. Chairman: Given the freedom of points of order within this committee, it is open to a representative of the government side to indicate that this motion is accepted and this debate would stop forthwith and we could get on and listen to the folks from the Education Relations Commission. They will have that opportunity. They have had it for two hours this afternoon and I have not noticed them seize it.

Mr. Chairman: That is not a point of order and neither is that.

Mr. Swart: Mr. Chairman, I can think of no one who needs harassment by the chairman more than the member for Waterloo North.

Surely he is not naive enough to think we have, up to this point, been able to persuade the Conservative members of this committee they should vote for this subamendment. We have to carry on this debate in an attempt to persuade them of the value of this subamendment we have before us. We know how the members are going to vote on this subamendment.

Mr. Epp: You should only learn something about selling. You get to the point where you sell something and then you buy it back because you talk too much. I think you are getting to the point where you are selling things and then buying them back because you keep on talking and filibustering and you are not getting down to a thing in here.

Mr. Chairman: Mr. Epp, you are out of order. I apologize to you, Mr. Swart, for getting caught.

Mr. Piché: I thought you made a good point there. Do not apologize.

Mr. Chairman: Mr. Piché you are out of order.

Mr. Swart: I wanted to point out the importance of having someone before this committee from the Education Relations Commission. The Minister of Education has put great significance in Bill 100 which set up the Education Relations Commission. You will recall that back in 1979 the minister announced that she was going to have a review of Bill 100, not because the Conservative Party had any doubt that it was not serving the purpose for which it is was set up. The reason it was set up was that the Liberals wanted to do away with it, even though they had voted for it originally and supported it unanimously. All parties had.



Mr. Laughren: Were these two members in the Legislature?

Mr. Swart: No, they were not in the Legislature at that time. It was just before we came here.

Mr. Laughren: That may be why they ran as Liberals. When was that?

Mr. Swart: Laughren, you do not understand. It was 1975. It was just before you came here. It shows how quickly the Liberals can flip-flop. In 1975 they supported unanimously this Bill 100 amid great speeches in the Legislature about the values of Bill 100.

Mr. Laughren: On a point of order, Mr. Chairman: The member for Welland-Thorold is being provocative. He is provoking me.

Mr. Chairman: That is not a proper point of order.

Mr. Swart: I really do not think that is a proper point of order. If I am, I am to be commended.

Mr. Epp: You mean for speaking to the point?

Mr. Swart: No, for provoking the member because anything that the member for Nickel Belt has to say is worth hearing and if I provoke him into making comments it is going to benefit this committee.

Mr. Laughren: I did not deserve that comment.

Mr. Chairman: Mr. Swart, you want to keep yourself a little closer and as the Speaker says: "Disregard the interruptions."

Mr. Swart: Yes, I will and you will help me.

Mr. Chairman: Yes, I certainly will, Mr. Swart.

Mr. Swart: When the Liberals did this flip-flop and decided that they no longer wanted to support the legislation which they had supported in 1975 and started taking on the Minister of Education, when they changed their minds and started pressuring the Minister of Education to bring in amendments to the legislation, to Bill 100, after it had been passed so that teachers would no longer have the right to strike, she determined that she would appoint a commission to look into this. Mr. Elston may not remember, but Mr. Epp will because he was here from 1975.

Mr. Epp: On a point of order, Mr. Chairman: The member has been misquoting, misdirecting, misleading all evening.

Mr. Chairman: He did back that up.

Mr. Martel: This afternoon.

Mr. Chairman: What is the point of order, Mr. Epp?

Mr. Epp: The point is that he is misleading the group here.

Mr. Chairman: No, that is not a point of order.

Mr. Martel: Now he is saying that my colleague is misleading. He must withdraw that comment or leave.

Mr. Epp: I withdraw the comment, but nevertheless I was elected in 1977. When he says I was elected in 1975, he is not misleading but certainly he is not telling the truth.

Mr. Chairman: He is omitting certain things.

Mr. Epp: He is factually wrong.

5:40 p.m.

Mr. Swart: Mr. Chairman, I will withdraw my statement that he was elected in 1975. I thought that he had been but I guess it is something like a pain that you have that it always seems to be there longer than it really was.

Mr. Martel: He has a pain too.

Mr. Chairman: Gentlemen, you might let Mr. Swart speak, please.

Mr. Swart: They might, Mr. Chairman. I realize how sensitive they are about this flip-flop they did and why they keep interjecting after wholeheartedly supporting the bill, then demanding reconsideration of it just three or four years afterwards and wanting to take away the right for the teachers to strike.

I understand how sensitive they are, but ultimately that commission was set up by the minister herself. I think it is worth reading into the record just two short paragraphs of a statement she made when she set up that commission because it is relevant to us having that commission before us at this present time. Mr. Chairman, you will realize that.

She said in introducing the statement which she made to set up the commission: "I am pleased to announce today the establishment of a commission under the Education Act, section 9, to review the collective negotiation process between teachers and school boards. The School Boards and Teachers Collective Negotiations Act has been in force since July 18, 1975. Before that time there was uncertainty and disruption in the teacher-board relations. A decision of the courts was required to confirm the rights of the teachers to withdraw their services. The act, when introduced, provided for the first time a legally defined, equitable and reasonable framework within which teachers and trustees could pursue their goals through the collective bargaining process."

May I just stop there to interject here. Of course, Bill 179 destroys this Bill 100 and this legislation. I think we recognize that it destroys this whole process. May I continue to quote very briefly:

"The act has improved that process in many ways. It has unquestionably reduced the number of occasions when a breakdown in negotiations has led to strikes and other sanctions. In the three years before the passage of the act, there were 28 cases which would now be defined as strikes or lockouts. In the four years since the act has been passed there have been over 900 settlements with only 18 strikes or lockouts."

Now we come to the very important part, and I quote what the Minister of Education says: "In our society there are basic rights to collective bargaining and there is no question of compromising those rights in the case of the teachers."

That is a great positive statement, is it not? Let me repeat that: "In our society there are basic rights to collective bargaining and there is no question of compromising those rights in the case of the teachers."

Mr. Mackenzie: The Tories should listen to that.

Mr. Swart: Here we have the same Minister of Education, whom we have now as Minister of Education, making that statement in 1979 that those are basic rights and there is no question of compromising those rights.

My colleague here had a subamendment before this committee where we ran out of time and I was on the Speaker's list last week to ask the Minister of Education to be here so we can assess this contradiction between Bill 179, in which she says back in 1979, certainly you would agree, Mr. Chairman, an absolute contradiction to what we are doing today and what she said at that time. That motion was defeated. In the wisdom of the Conservative members of this committee, they decided that the Minister of Education should not be here.

Whether it happens to be the Minister of Education we are inviting before this committee or whether it is the chairman and chief executive officer of the Education Relations Commission, I cannot understand why the members of the government would not want to have those views expressed. Do they believe this is a good bill? Does the Minister of Education believe Bill 179 is a good bill for education, that Bill 179 is going to advance the cause of education in this province and is going to advance the relationship between the teachers and the boards? Does the Education Relations Commission believe that?

I would like to have them here to ask them those questions because Bill 179 destroys the function of Bill 100. There is no question that is the case. I was not here when Bill 100 was passed. I came in the year after, but I remember it from a discussion that took place on it. That legislation was proclaimed

across this province by the government, even though they had been forced into it by the opposition parties, particularly the New Democratic Party, and proclaimed abroad that this would be model legislation in dealing with the relationship between teachers and school boards. I remember they told us it was going to be looked at by governments from other provinces. This was a model for all of Canada.

Mr. Martel: The universe.

Mr. Swart: For the universe probably, yes. It was the best legislation that could possibly be enacted to deal with the matter of settling teachers' wages, salaries and other problems between the teachers and the boards.

Now we have turned back the clock, not just back a few years, but almost back decades. I think it is worth recounting a bit of the history that led up to the passing of Bill 100 because not all of the Conservative members of this committee were here in those hectic days to know of the disruptions which led up to Bill 100. Now we are reverting to the destruction of that bill.

Mr. Chairman, you seem to be getting a little anxious at this point.

Mr. Chairman: I am having trouble finding the thread from there to the chairman and chief executive officer of the Education Relations Commission.

Mr. Swart: I am sure you must be stretching that just a little bit because you can see the thread is this. If we have the chairman of the Education Relations Commission before this committee, we can question him on the improvements Bill 100 has made to this relationship and the disruption that will take place if Bill 100 is no longer operative as it will not be under this act. You see that relationship?

Mr. Chairman: But if he were to come in, he would give us the history of Bill 100.

Mr. Swart: Yes, but you see I need to point out to the Conservative members what was taking place prior to Bill 100 so they will vote to bring the chairman of the Education Relations Commission before this committee. They many not want to take my word for the difficulties--

Mr. Chairman: That is understandable.

Mr. Swart: --that existed prior to Bill 100 being enacted.

5:50 p.m.

Mr. Jones: We known them well. That is why the government brought the bill in.



Mr. Swart: If the chairman of the Education Relations Commission came here to talk about the troubles that existed and how Bill 100 resolved so many of those problems, they would believe the chairman of the ERC. Like all chairmans of commissions, he is a government appointee and always follows the Conservative line.

Mr. Jones: That is not fair.

Mr. Swart: So they would believe that.

Perhaps I should bow to your wishes, Mr. Chairman, and deal with the annual report of the ERC, which would be much more appropriate.

Mr. Chairman: Yes. It would be more appropriate to the subamendment under consideration. I am glad I convinced you of the error of your path.

Mr. Swart: Yes. I had it here just in case. I am glad you have authorized me to quote from it. It includes the history of what was taking place before and what has happened since then. This is the annual report of 1980-81, after there was a review of the legislation, Bill 100, by the Matthews commission.

I quote from page 6 of this report.

Mr. Mackenzie: That is very interesting. It is what I was quoting from earlier where it sets out just what the role is.

Mr. Jones: There would be a little redundancy now.

Mr. Swart: No, there is not. He just skimmed over some very important passages.

Mr. Mackenzie: That is right.

Mr. Swart: It states: "On July 18, 1975, legislation granting Ontario teachers the right to bargain collectively and the right to strike was enacted in Ontario. Prior to the passage of the legislation, which would become known as Bill 100, the Ontario government had proposed legislation which included compulsory arbitration rather than the right to strike.

"In response to the proposed statute, Bill 275, both teacher and trustee organizations, albeit for different reasons, lobbied the government to include the right to strike in the legislation." You will understand that Bill 179 is now going to take it away.

To quote further: "The right to strike became a priority for the teachers because they viewed compulsory arbitration as an ineffective form of dispute resolution. The trustees viewed compulsory arbitration as both an imposition on and an erosion of local board autonomy and therefore in conflict with the principle of representative government."

Bill 179 is a total erosion, because both the teachers and the boards did not want compulsory arbitration.

"Moreover, those who drafted Bill 100"--and this was the Ministry of Education--"were convinced by events in the education sector as well as other jurisdictions, that strike-prohibiting legislation is not always effective. In fact, it was felt that it could have the opposite effect." It could have the opposite effect of being effective. Now the government is proceeding with Bill 179, which is strike-prohibiting legislation.

Mr. Jones: You say we are taking it away, like never-never, forever-ever or something.

Mr. Swart: We do not know. Jack Biddell has stated this is something which should be broadened and continued. Do you not recall his saying that?

Mr. Jones: He is not the policy maker in this type of legislation.

Mr. Swart: I will just reply to that, Mr. Chairman, as you permitted the interjection. He is a pretty important person in this whole process. I did not see any single member of the government contradict what Biddell said. He was not reprimanded and it was not retracted, so we have to assume he said it with some authority.

Mr. Jones: He was just expressing a few thoughts.

Mr. Swart: So we know the right to strike is going to be taken away temporarily. It may be taken away permanently, if you get away with it. That is one reason this party thinks at this time that we must fully debate this bill because we have great concern that it is not just going to be for one year, that it is going to be permanent. This is a new principle that the government is injecting in Ontario, the breaking of contracts. For that matter, it is injecting a new principle in that there is going to be some price control, although it is almost meaningless.

Since there is a new principle in this bill, we have to debate this fully and have people like the ERC before us to give us their view of the effects of it. It would be irresponsible if we do not get the views and opinions of these kinds of people who are dealing with what is supposed to be model legislation and who are making statements like those being made here and what I have just read to you.

May I go on quoting: "The primary reason for opposing Bill 100 was to introduce to the province some stability and order in teacher-board bargaining, and against this background the right to strike was included in the legislation.

"The need for legislation regarding teacher-board negotiations was obvious in the early 1970s. Teachers were demanding the right to collectively bargain such issues as working conditions, grievance procedures and financial matters. Some trustees viewed the collective bargaining process as an infringement of management rights. The net result, in the absence of legislation, was that bargaining took place in a vacuum, and the relationships between trustees and teachers were deteriorating, both on an individual and an organizational basis."

May I interject here before going on that surely the Conservative members of this committee must realize that is what is going to take place with Bill 179. Do you not agree that there will be a deterioration in the relationship between trustees and teachers, both on an individual and organizational basis?

Mr. Jones: We do not have that suspicion. We have a lot of confidence in the educational system and the teachers in particular to address the problems that--

Interjections.

Mr. Jones: They are not going to throw up your hands because of Bill 179 and cease to implement Bill 82.

Mr. Swart: Bill 100 was the epitome of the government's program with regard to the relationship between teachers and school trustees and between teachers and the government, and now they are destroying it. The only answer you can give is that you have faith in the system. It was faith in the system, I would think, that caused you to introduce Bill 100, and now you are destroying it.

I quote again from this document of the Education Relations Commission: "The School Boards and Teachers Collective Negotiations Act, 1975, brought order to this confusion by providing ground rules for collective bargaining.

"Although the most publicized feature of the act was the right to strike, realistic alternatives such as voluntary arbitration or final offer selection were provided at each step in the bargaining process. Events leading to a legal strike or lockout under the act were regulated. For example, a strike or lockout under the act is not legal until (a) a fact-finder has met with the parties and his report has been made public; (b) a 30-day cooling-off period takes place after the fact-finder's report is submitted to the parties; (c) the teachers have voted by secret ballot in a supervised vote on the last offer of the school board; and (d) the teachers have voted by secret ballot in a supervised vote to take strike action."

Other features of this act were also significant. To continue to quote: "Negotiations take place at all the county board levels between the teachers' federations and the school board. There are separate negotiations in the elementary and secondary panels of each board; the scope of negotiations is open," that is, all matters are negotiable. "Each collective agreement is deemed to contain a procedure for binding settlement of disputes arising out of administration of the agreement, if one has not been negotiated locally, and a strike or lockout is legal during the term of the collective agreement."

"Finally, the act provided for a five-man commission, the Education Relations Commission, to monitor and assist all local negotiations between teachers and school boards and to administer the act. The commission was given seven specific functions under section 60 of the act."

From what I have read so far, there is no question that the Education Relations Commission feels strongly in support of Bill 100 as enacted. We in this party do too. It is perhaps fair to point out that Stephen Lewis, then leader of the NDP, was one of those who promoted and spoke most eloquently in favour of Bill 100. Now we are seeing that bill being destroyed.

I recognize the clock and shall return to complete my remarks at 8 p.m.

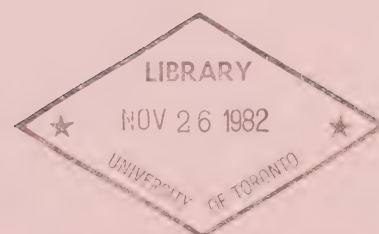
Mr. Chairman: Thank you, Mr. Swart.

Having noted that it is 6 p.m., we shall adjourn to reconvene at 8 p.m.

The committee recessed at 6:01 p.m.



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE  
INFLATION RESTRAINT ACT  
TUESDAY, NOVEMBER 9, 1982  
Evening sitting



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breaugh, M. J. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Elston, M. J. (Huron-Bruce L)  
Eves, E. L. (Parry Sound PC)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Stevenson, K. R. (Durham-York PC)  
Swart, M. L. (Welland-Thorold NDP)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitutions:

Epp, H. A. (Waterloo North L) for Mr. Wrye  
Jones, T. (Mississauga North PC) for Mr. Eves  
Mackenzie, R. W. (Hamilton East NDP) for Mr. Breaugh  
Renwick, J. A. (Riverdale NDP) for Mr. Swart  
Runciman, R. W. (Leeds PC) for Mr. Brandt

Also taking part:

Bryden, M. H. (Beaches-Woodbine NDP)  
Foulds, J. F. (Port Arthur NDP)  
Laugren, F. (Nickel Belt NDP)  
Martel, E. W. (Sudbury East NDP)  
Roy, A. J. (Ottawa East L)  
Wildman, B. (Algoma NDP)

Clerk: Arnott, D.

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Tuesday, November 9, 1982

The committee resumed at 8:04 p.m. in room 151.

INFLATION RESTRAINT ACT  
(continued)

Resuming consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: I apologize. Advise everybody who is going to be here.

Mr. Elston is just outside. There are seven. Shall we carry on? We adjourned at six o'clock with Mr. Swart having the floor.

Mr. Swart: Yes, Mr. Chairman. I had been quoting from the annual report of the Education Relations Commission on what they saw as a tremendous benefit of Bill 100 and the tremendous need leading up to that bill. I am not going to take a great deal more time, but I do want to complete the comments I was making.

Mr. Chairman, during the dinner hour, I came across a couple of other quotes which also point out the value of Bill 100 and the Education Relations Commission. I point that out because we know that Bill 179 will make Bill 100 null and void.

I quote from an article, "Schools in jeopardy--collective bargaining in education," by Peter Hennessey. He describes the relationships that existed prior to 1969 when the county school boards were formed. Prior to that there were little, individual school boards. He says:

"The principals and teachers knew the trustees in their private capacities as store operators, insurance agents, farmers or lawyers. A lot of trustee-teacher talk took place over the store counter, at the curling rink or after church on Sunday. Those personal relationships greatly influenced the educational life of the community. The teachers generally trusted the board because they knew each other as persons. Each side wanted to do the right thing for the other, allowing, of course, for occasional stress associated with salary increases, the firing of an incompetent teacher, or the fixing up of the school building. There was a sense of common trustee-teacher interest in education and a recognition by each that the other was pulling in the same direction."

It was after that point that the need for Bill 100, or some form of effective bargaining became evident. The Ontario Teachers' Federation, in a brief that same year--talking about the change from the little, individual school boards to the country school boards--said, and I quote:

"Almost overnight, the interpersonal relationships that had existed between school staff and local boards of education disappeared as school systems were transformed into large administrative units, in some cases covering several thousand employees. The change was dramatic. No longer was the formal method of establishing salaries available to the employer and employee. The agreements became complex and closely followed models of union agreements, much to the dismay of many teachers who considered this form of organization alien to their traditional perception of teaching.

"The result was inevitable. Distance between employer and employee, coupled with the growth of central administration, resulted in detachment and loss of direct contact between teachers and supervisory officers."

I am not going to repeat the history which was given in the Education Relations Commission's annual report, which pointed out the need, which grew dramatically from 1970 to 1975 until this bill was passed. Rather I just want to complete the short section I was reading at the time we adjourned. After laying out the main provisions of Bill 100 and dealing with each section to show the need for them, they go on and conclude by saying:

"Finally, the act provided for a five-man commission--the Education Relations Commission--to monitor and assist all local negotiations between teachers and school boards and to administer the act. The commission was given seven specific functions under section 60 of the act:

"1. The monitoring of all negotiations;

"2. Collecting and providing data to all parties in collective negotiations;

"3. Assisting the parties in their collective negotiations;

"4. Training third-party neutrals;

"5. Adjudicating bad-faith bargaining charges;

"6. Supervising last-offer strike and ratification votes, and

"7. Advising the Lieutenant Governor in Council concerning jeopardy to students' courses of study in the event of a strike and/or lockout."

I just interject here from the quote. I think all of us are aware of the areas in which these instructions have been used and the beneficial use of these. They point out here a number of areas where teachers were on strike and, just by invoking these sections, an agreement was obtained without having to force the teachers back to work, as can be done with a recommendation made to the Legislature and through that, forcing the teachers back to work.

They conclude with these remarks: "Four years after the passage of Bill 100, the Minister of Education announced in the



Legislature the establishment of a commission to review the collective negotiations process between teachers and school boards."

They have already pointed out that was due, at least partly, to the change in policy of the Liberal Party whereby they insisted teachers should no longer have the right to strike and that an arbitration process should be set up. It was largely from their pushing, which we opposed, that the minister set up the Matthews commission.

8:10 p.m.

Mr. Epp: What have you got against Bert Matthews?

Mr. Swart: This commission, chaired by Dr. Matthews, the president of the University of Waterloo, submitted this report to the Minister of Education on June 1980.

"Based on the experience during the first five years of Bill 100 the Matthews commission proposed a small but nevertheless significant set of recommendations to change the act, none of which as of August 1981 has been implemented. Recently, however, minor revisions to the act have been made. Every five years, the statutes of the province are reviewed and as a result, redundant sections of the act were removed.

"In addition, the name of the act was changed effective August 1, 1981, to the School Boards and Teachers' Collective Negotiations Act, Revised Statutes of Ontario, 1980, chapter 1964."

On page 24, there is another section. Just one paragraph of it is worth quoting, because it has a real application to Bill 179. It is as follows:

"One of the significant developments over the past two years has been the number of multi-year agreements negotiated by the parties. Table 4 presents the number of multi-year agreements reached during each year since the inception of the act. A clear trend toward multi-year agreements began in the 1978-79 reporting year and has continued into 1980-81. The importance of the multi-year agreements cannot be overemphasized. They introduce a measure of stability in teacher-school board relationships and bargaining and reduce the number of third party appointments by the ERC."

I would just ask the Conservative members of this committee how many multi-year agreements they think there will be after Bill 179 is passed. What teachers are going to settle for two or three-year agreements when, right in the middle of contracts, they are being broken by Bill 179? The answer to that, of course, is there will be few or none. Here, since this bill was enacted in 1975, they have a system and a process which is leading year after year to an easier and more satisfactory way, all concerned at arriving at agreements. Yet we have a bill before us which is going to destroy all of that.

I just have one final quote from this report. This is on

page 3. It sort of sums up the opinion of the ERC on the effectiveness of Bill 100. It states:

"The 1980-81 experience is encouraging. Since the passage of Bill 100 in 1975 negotiations are becoming longer and longer. The parties seem to be relying on third-party appointments by the commission to a greater and greater extent. Each year, prior to concluding agreement, there was a tendency for the parties to progress through an increased number of stages provided in the act. Observers of public-sector labour legislation have suggested that these types of phenomena are typical and that public sector labour legislation may lose its effectiveness with the passage of time.

"Although the above is not meant to imply there will not be ups and downs in teacher-board bargaining in the province, the 1980-81 experience does constitute the first reversal of some troublesome trends and tends to validate the ERC's view that the collective bargaining process in Ontario education is functioning well and is in a fairly healthy state."

After that report, Mr. Chairman, I do not know how any member of this committee can come to any conclusion other than that the bargaining process, the procedures which have been set up by the ERC, the legislation which was passed, the regulations which have developed from that legislation, have all been credited with being one of the best negotiating systems in effect any place. We have been said to have one of the best relationships between teachers and boards of any place in North America and perhaps even further than that. Yet the members on the other side are not only willing to destroy that, they want to destroy it without even hearing from the people who have been implementing these policies and these procedures.

I am going to conclude by reading into the record here, because I think it is important, the statement by the Honourable Tom Wells when the bill was introduced. I think all of us in this House who have been here a while recognize Tom Wells as one of the more reasonable members of the government. Although he may be a member of a government for which much of the time we have very little respect, as an individual and even as a minister he commands a substantial amount of respect from all sides of the House.

When the bill was introduced he said this: "The overriding objectives of this bill are to lay down fair and workable ground rules for orderly collective bargaining between teachers and school boards and to lay the foundation for successful negotiations by reasonable people bargaining in good faith."

He said: "I believe this bill achieves these objectives. In a clear step-by-step manner it outlines procedures to regulate the bargaining process. It provides innovative measures to avoid bargaining impasses. It offers practical alternatives to confrontation at every step and it recognizes clearly the realities of collective bargaining in the field of education. Once this legislation takes effect and its provisions become operative in the bargaining process we, in Ontario, will see more order in a

situation that has been somewhat chaotic and unsettled in the last two or three years."

I hope everyone will listen to this sentence very carefully: "This legislation is based on a second set of three 'Rs' for the 1970s: rights, reason and responsibility." There should not be anyone in this room who would object to those kinds of statements and the philosophy behind it.

He goes on to say: "In assuring certain rights to teachers and to school boards we expect the bargaining process will be carried out in a reasoned and responsible fashion by persons of good will and with constant reference to the heavy responsibilities each bears for the education of our young people. If this is indeed the case, as I hope and expect it will be, then this legislation will work as a significant and necessary forward step in a return to more harmonious relationship between teachers and school boards in the province."

I think all of us who have been around here for a period of time would agree that, in fact, that has happened. Sure, no human institutions are perfect, no systems are perfect, but the fact is that it is far superior to what we have had before and there has been this long process of evolution which has brought us to this point, the point that we would all desire.

Now we have before us Bill 179 and although some here will say it is only for one year, even if it turns out to be only one year--and there is no assurance of that--it is destroying the faith on which this system has been built. It is not only going to make negotiations in the future much more chaotic, it is going to adversely affect the education of the children, as the member for Ottawa Centre (Mr. Cassidy) has pointed out.

8:20 p.m.

I just conclude by saying that, by all measurements, we have developed a system of providing the best possible relationship between school boards and teachers. It took many years; it took many decades. As I said previously, now you not only want to destroy it, but you don't want to even hear from those people who are administering this system.

Quite frankly, I just can't understand why any group of people, if they are bringing in legislation which makes such a fundamental change in the whole process, with these possibilities of destroying the faith and the system which has been built up over years and even decades, don't even want to hear from these people.

I say to those people on the other side, in all sincerity, let's take an hour or two hours to hear from them. I certainly don't know the total damage that is going to be done or the degree of damage that is going to be done. I want to hear it. Don't you people over there want to hear it, too, from people who have been administering this, administering a successful program?

A successful program is on the block, with the axe poised to



come down, and we don't want to even hear the reasons from the people who know best why that axe should not drop. I say that is pretty serious in a democracy.

Mr. Martel: Like my colleague, I have great difficulty with this hunk of junk, as I want to call it.

Mr. Piché: It is going to be a long night.

Mr. Martel: I recall going with a standing committee to England just eight or nine months ago to study the rules and the operation of the House of Commons in England. Many of the Conservative members--unfortunately, there is not one on this committee who was there--came away amazed at the free will, the free mindedness of even the government members in that Conservative government in England. They were not prepared, willy-nilly, simply to accept the cabinet edict. Front and centre in the House of Commons, taking on the government, were the supporters of the government.

Some of your colleagues were wont to ask Conservative members in private dialogue in some of the meetings we had why it was that there was independence of the members openly. I guess the problem with Ontario, in a small Legislature, everyone is panting and hoping he is going to get to the executive office some day and is not prepared to challenge the establishment. The interesting comment from the back-benchers on the government side in England was, "We have to question them to keep the civil service, the top bureaucrats, honest."

It was quite a revelation to the Conservative members--one of them who was with us is now in the cabinet, the Honourable George Taylor--at some of the private discussions we had in committee. They were amazed at the frankness and the independence demonstrated by the government members, so much so that they would question cabinet ministers in a very hard-nosed fashion in the House itself and in committee.

That doesn't happen in Ontario. We watch government members tread very, very softly. It isn't just Ontario, it is the same in Ottawa. When there are 325 members over there, they realize quickly all of them aren't getting to the cabinet and so they have kind of a free will of their own and are prepared to express their concerns.

Mr. Stevenson: But it was different in Saskatchewan.

Mr. Martel: I didn't say it was, did I? I said I guess it's the same in the House of Commons. We probably had more rebels in this party than most. In fact, the odd rebel in Ontario got to the cabinet in a hurry because the government wanted to find a way to shut him up and usually the best way was to get him to cabinet.

If you want to get into the cabinet, René, I suggest you question them once in a while in the House as to just what the hell is they are doing. Well, there are some other gestures you might put in Hansard. Only Trudeau uses those. Would you show that



the member for Cochrane North-- No, I won't continue along that line.

It was a revelation. The Tory back-benchers haven't rebelled here, except for the odd one, when they bought Suncor. It was short-lived and they were brought into line. It hasn't dawned on some of you yet, I don't think, as we have moved these procedural motions to bring people forward, to get people to come before this committee from the government side of the House, including this group now that we are asking for.

When the bill is finalized, although it stands in the name of the Treasurer (Mr. F. S. Miller) the people who are going to be front and centre in trying to sort out the difficulties will be the Minister of Labour (Mr. Ramsay) and the Chairman of Management Board (Mr. McCague), who has to deal with OPSEU. It will be the Minister of Education (Miss Stephenson), because she has to deal with the educational problems, not only during the life of the bill but once it finishes.

Some of us would like to know just how in God's name it is going to work because when we finished second reading the most unusual event in my experience here occurred. The Treasurer did not respond one jot. The person who wound up for the government, but not dealing with the bill was the Premier (Mr. Davis). Of all the matters that had been raised in second reading, not one was answered by the Treasurer who sat through second reading debate. He did not answer one of the concerns raised by anyone because, in fact, he did not respond. It was very unusual.

I say to my friend the member for Riverdale (Mr. Renwick) that I don't think he has seen that occur in his 18 years here where someone else winds up a bill and the minister does not respond to one of the issues raised by the members on second reading. That is unusual. It is unheard of.

8:30 p.m.

We have been moving procedural motions because until this time there has not been a response on how this legislation is going to work in respect of those groups by the ministers who will carry the can. The phone calls now on the labour issues are not going to the Treasurer. It is the Ministry of Labour that is now getting the phone calls from people trying to ascertain how this bill affects them. When we say, let's bring the Minister of Labour or the Minister of Education or the Education Relations Commission before us so we can question them as to their role and how they perceive this working we get a hard-line stance by the Tories.

Interjection.

Mr. Martel: Stonewalling, in other words. They say to us, "Various ministers will come in occasionally." The Minister of Labour will not come in, the Minister of Education will not come in, and the Chairman of Management Board will not come in. These are the groups that are affected.

Of course, the Education Relations Commission can't be

allowed to come forward. Do you not have any faith in the ability of those people to explain to us the ramifications of the bill, not just today, but over the next 12 months and for some or them longer, and the effects after the bill is no longer in existence with such things as catch-up?

Maybe you have received all the answers to those questions. We, on this side of the House, have not been privy to one answer because the Treasurer deigned not to respond. Although he is the minister carrying the bill, he didn't respond in the House--the very person responsible for carrying the legislation.

Maybe the Conservative back-benchers can tell me what is going to happen to when the bill runs out and the teachers' contracts expire and they say, "Like the good old doctors, we now want to catch up." They can say that.

Has someone got an answer over there for me on how that's going to occur? Are they going to be allowed to? Is it going to lead to more strikes and more difficulties with Bill 100 and people demanding catch-up.

You really don't expect people whose wages are going to be held to a minimum and who are faced with a rate of inflation of 12 per cent to be satisfied at the end of the contract that they got their five per cent and maybe if they are lucky the government might give them, provided they have it-- By the way, the Premier keeps leaving that out.

As a former teacher, I know I am only entitled to the grid until I reach the maximum in category 4--and I would have been there had I stayed in teaching many years ago. When I now reach the maximum, as a teacher I don't get the grid. I don't get that extra pay that he is talking about. In most contracts it is eight years of getting the increment plus the percentage increase that your negotiating team negotiates.

I have always argued against it. I've said, "Let me start at the top in category 1, and to hell with the first eight years, and do the same for me in categories 2, 3, 4, 5, 6 and 7." But those people who have reached their maximum in any particular sector of the grid--I heard the Premier's answer, was it Monday or Friday when one of my colleagues raised it?--will get five per cent and they are going to get two per cent because of the increment. You don't get the increment if you have reached the maximum in that particular category.

Let's not play games. Some won't be affected as much but that's part of the problem with the bill. That's part of the problem that's going to occur when the bill is no longer in existence. That's why we are saying, "Tell us, are those people who were frozen at five per cent last year going to ask for seven per cent, or are they going to talk to--

Mr. Piché: He is talking about everything but the amendment.

Mr. Martel: I am talking about the Education Relations

Commission and how it affects salaries for teachers. We want to question them on matters such as that. My friend from Kapuskasing just interjected. Maybe he is in a position to tell me how those teachers who do not get the increment--can he tell me first if the Premier was being factual in saying, "Well, they are going to get seven"? Because, in fact, all of them aren't.

Then there is the fairness of it. When it's all finished, those who didn't get more than five, what are their demands going to be? If I'm correct, in the bill it says there's no catch-up. Tell me what's going to go on out there with 105,000 in this province. I will wait, if you can answer that question.

You say I'm off the topic. Maybe the honourable member could tell me. Maybe he's received the answers to those questions when you caucused. I don't know if anyone asked that question. Don't you think we have a right to know the effects of the legislation and how people who are responsible for resolving contractual disputes are going to respond to those sorts of disputes once the bill is out of existence? Maybe some of you could tell me. I suspect none of you knows. Would it not be wise to know ahead of time?

I can recall the strike in my friend's riding just a year ago where we, in my opinion, passed an awful piece of legislation saying, "If you haven't resolved your contractual dispute by the time we come back in September, here's a piece of legislation that gives you the authority to resolve it." I thought it was a most dangerous type of legislation. I've been through it longer than you--54 teaching days. It isn't easy. The pressures are there on members when there is that type of dispute, but you brought in a piece of legislation saying, "Aha! If you haven't got it settled, then we have the right to end it."

We have been back here on more than one occasion, in my experience, to force teachers back to work. I guess I underwent the longest one, I and my friend the member for Nickel Belt (Mr. Laughren) and the former member for Sudbury, Mr. Germa. The pressures are on and you start going to the minister because the parents are after you and everyone is after you. We have had no answers, and I say to you that's why we wanted to talk about it even before we got to committee.

Even the chairman is going to have difficulty when we get to clause by clause. He will have to deal with the clause that's before him and he will have great difficulty in saying to the committee, "Well, you can't ask about that because it really doesn't deal with it."

If we had a lot of those answers before we went to clause by clause it would make a lot more sense. If you had taken our advice a week ago today, we probably would be into clause by clause now because the people we wanted before us would have taken just a couple of days. In fact, I suggested to the government House leader that we are prepared to limit to two days having the various ministers before us.

We could get these explanations and then get on with the



clause by clause. We are prepared to put a time limit on raising the matters with the people who are going to deal with OPSEU, with the educational matters and the contractual arrangements. We would have done that by now, but here we sit stonewalled and still no answers. As I say, the chairman will have difficulties with many of the questions. As fair as he is, he will have difficulty trying not to rule something out of order and saying, "But it is just not in that clause."

There are many questions I suspect could be used. He might say, "Well, the clause has nothing to do with the Minister of Education." But, in fact, it well might, and he is going to have to make that determination on every clause, whereas if we had had a procedure where we could have raised the issues or concerns--I say to the chairman I watched my friend and colleague, the member for Ottawa Centre (Mr. Cassidy), last week on Monday and on Friday as he put a series of questions to the minister, the Honourable George McCague, about some of the ramifications of the bill, and the answers were not forthcoming.

You don't know how it's going to work and I think that's why you hide behind this stone wall. I suspect we would have been a lot better off if we knew before going into clause by clause, and if the Tory back-benchers--as well as the New Democrats and my Liberal friends--had some of the answers to the ramifications of the bill.

8:40 p.m.

I was intrigued in the House today by the gesture of the member for High Park-Swansea (Mr. Shymko) on behalf of the Polish community. All of us support it, particularly those of us who have been in the vanguard on behalf of the trade union movement and the working people for some number of years.

In Poland they do not even have the right to free collective bargaining. We have it in Ontario and we are prepared to take it away for a short time. But my friends, it becomes easier the second time.

I recall the first debate on education where we had to force a group back to work. It was tough and there was soul searching. But the second and third and fourth times just got easier. It became matter of fact. You can find all kinds of reasons to force people back to work. The favourite cry out there is that they are using the kids. I do not think anyone has used that more than the Liberals; that the kids are being held up to ransom and they are the pawns in the game.

I do not know of anything that was won easily by the working class in our society; not just in Canada, but the world over. It has always come grudgingly, with great struggle, with great strife. I do not know where governments have been. They have had their heads buried in the sand, I think.

One only has to look at the lessons of history, both in the United States and Canada. In my own locality, I have friends who were in the vanguard of the trade union movement. Their faces



today look like road maps from the beatings they took from the goons hired by Inco. Ex-fighters, ex-boxers, plug-uglies came in and literally beat the hell out of the workers trying to prevent the creation of the trade union movement in the Sudbury district. I can introduce you to them today, and they wear the scars.

All of us here have the same concern that something has to be done to turn the problem around in Ontario and in Canada. No one disagrees with it. If we would only deal with the real issue. In my own area, you say this bill will not affect public service employees. In the school system in which my wife teaches, with the massive layoffs in Sudbury, some 85 kids have left that district in the last month. Are you telling me there are not going to be some teachers affected by that? We have assurance that this bill is going to save jobs.

Interjection: How?

Mr. Martel: But it is not, because there are people who are going to lose their jobs in the educational system because of layoffs. The bill does not deal with layoffs, the bill does not deal with inflation, which is the real problem. It does not deal with high interest rates, one of the primary causes of inflation.

We have reached a point where we know people out there are frightened. People who have never been frightened in our society before are running scared. The middle class has never been affected before. They want something done and they do not care what it is, as long as they think or perceive that it will end the problem. If we, for a moment, thought that this bill would end the problem, we would not be fighting this bill so vigorously.

I am joined by Cardinal Carter in my plea that you are doing the wrong thing in terms of all of the agreements that have been reached in good faith. You are making something the saviour which is not going to do one jot. I would hope that Conservative members would have some conscience and say it really is a lot of nonsense. The answer is not to do anything; the answer is to do the right thing. The right thing is not freezing wages, because that money is not going to circulate and it is just going to lead to more layoffs.

I am concerned about what is going to happen during the life of the bill, as we try to sort out the school problems and the teacher problems. I am somewhat familiar with those, coming from the teaching profession. I would be mad as hell if, as a teacher, my income was hard lined at five per cent. That would reflect in what I did in class, whether I wanted it to or not, just out of sheer resentment. We are all built that way. We would be frustrated and angry. You do not want to take it out on your kids, but I think it shows up in the quality of work you do.

Teaching is much like our job, five and a half or six hours during the day, but a hell of a lot of work at home at night, and in many instances not much credit. I do not think teachers look for credit, but they feel it.

I ask my friends to go back to their House leader and to

their Premier and say: "Look, why don't we get serious if we want to move this bill and bring in the various groups including this group? Let us tell the opposition and our own members how the various matters that have been raised are going to be coped with to minimize the difficulties that are going to arise during the life of the bill and immediately following thereafter."

I think you would be doing us all a service if you people carried that message back. As I said, we are prepared to hold it down to two days, and then move on to clause by clause. But I think that all of us would be well served if the answers were forthcoming from the various groups that we have indicated we would like to come before the committee. We would know now to respond to the bill and would know how it was going to work over the next 12 to 24 months.

I would urge you to do that post haste so we can get on with the business. As I said, we have received no answers up to this time. The most ludicrous act of all was when the Treasurer did not respond on second reading of the bill. He could at least have attempted to give some of the answers.

I suspect--and I am not being unfair to the Treasurer--that many of the answers will have to come from the experts in the other fields. The Treasurer is only carrying the bill. He is not going to have to answer, not being in a position--and none of us could be--to know how it is going to affect us, how it is going to affect teachers, how it is going to affect the collective agreements. No minister could be expected, on his own, to have mastered all of that material and be able to answer the questions on the effects of the bill.

I would urge you to reconsider, so we can get the appropriate answers.

Mr. Jones: I sat quietly and listened to the House leader of the New Democratic Party make his arguments. I am sure my colleagues did the same.

It was unlike some of the other debates--this afternoon, for example. I suppose they were genuine thoughts and suggestions they were sharing with other members of the committee, although they addressed a lot of them to government members. I am sure all of us took them to heart as we sat here mindful that this is--

8:50 p.m.

Mr. Mackenzie: I am hoping that is not an implication that other people were not as sincere or as objective or as genuine as the House leader.

Mr. Jones: Oh, no.

Mr. Chairman: Is that a point of order?

Mr. Mackenzie: It is a valid one that crossed my mind. Are you saying the only person here talking to you seriously is our House leader?

Mr. Jones: No, Mr. Mackenzie. If it sounded that way that was not the intent at all, although there were some almost trivial remarks that did not sound very sincere in the course of the debate over the last couple of sittings. I was here for all of it and I can tell you that some of them were somewhat silly.

Mr. Cassidy, this afternoon--just to cite an example--started pretending that Bill 179 somehow or other was brought in here to set back some of the progress that our educational system--

Mr. Mackenzie: That is exactly what it is going to do. That is the whole point of the doggone thing.

Mr. Jones: When he levelled some of the allegations he did this afternoon, he was far afield from making the argument that the chairman and the chief executive officer of the Education Relations Commission should come--

Mr. Mackenzie: That is a matter of interpretation.

Mr. Jones: Well, he was entitled to his opinion and I happened to disagree. Mr. Cassidy went on to beat the same old theme as he spoke to this subamendment that the majority government in the province were pushing through this legislation, and not prepared to make experts in the field available.

It has been indicated--and I am sure the House leader knows--that experts in the field are going to be available as we move into clause by clause. To suggest that somehow or other the government is hiding all the expertise that might be helpful to the committee is not so. It makes an awful lot of sense to me to have the Treasurer carry the bill, given the fact that it is an overall economic bill.

Mr. Martel said he was disappointed that the Premier wrapped up the debate in the Legislature. I would suggest we would probably hear great cries of disagreement if it had been some other minister. Someone would immediately have complained that some lesser minister was responding in the final debate in the House before it came to this committee. Give credit where credit is due.

The Treasurer, the senior minister with the responsibility for the bill, who made his opening statements entering into the debate, the Premier who has been involved in the debate--I know we have talked here about having a whole array of ministers. When you talk about accountability of a government, there is a Premier and a Treasurer and we know their roles as they sit in Management Board. You know the workings of the government are such that they do not work in any kind of vacuum from their other colleagues of the executive council.

I appreciate what you are saying, however, do not kid yourselves that somehow or other that the government, by having the Premier speak in the House and the Treasurer carry the bill, is hiding some of the other expertise of ministers and their staffs who might be affected by this legislation.



When we see this subamendment--the chairman, the chief executive officer, to be specific, of the Education Relation Commission--we tend to attach the suspicion that somehow the Treasurer of the province cannot bring forth the expertise to answer the kinds of questions the committee members might have as they review this legislation; that somehow or other he is not senior enough to be able to extract the kinds of questions; that he is not appropriate to be the minister carrying the legislation.

Mr. Mackenzie: Maybe you could tell us what you are going to do with the Education Relations Commission and the key role they have played. What use is there for them at this point?

Mr. Jones: Some would say, "Well now, the chairman is going to have a real difficulty finding an appropriate place for questions such as that to be addressed in clause by clause." I would suggest to you that hasn't been my experience in clause by clause discussion of legislation as I've seen it in committees.

I don't deny for a moment that many of the questions raised were valid.

Mr. Mackenzie: Maybe you could take that into consideration.

Mr. Jones: I simply say that it's overstating the case to move in, as we have this afternoon, to debate the history of Bill 100. That's fine, it's interesting, it's good to be reminded of those things--

Mr. Mackenzie: That's what you're destroying.

Mr. Jones: --and to have it related to the subamendment that's before us.

But to hear some of the rhetoric we did this afternoon, you have to be honest, to talk about the old movies of Jimmy Hoffa and pretending, as your Mr. Cassidy did, that somehow or other that's the view this government has of teachers and that is what we are trying to convey to the people of Ontario as a whole is utter poppycock. You know it full well.

Back at the suggestion of this subamendment, what your House leader has said to us is the concern is for the committee to have the expertise, whether it be in the form of ministers or senior people who would be available to answer specific questions and concerns about the post-Bill 179 era, the impact on the educational system and its negotiations with its teachers, I suggest that all of those are indeed legitimate questions. I also go further to suggest that we have a Treasurer, a very senior minister, who is prepared, as he was in the House, to attend as he did through the committee hearings and attend during the period we're anxious to get on to, namely, that of consideration clause by clause.

I was a little disappointed this afternoon to hear some of the debate stretch the facts just a little bit too far when it was suggested, for example, even the drafting of this bill was



atrocious. I would just suggest to the member who made those comments that perhaps he should have a candid talk with some of the lawyers of the Ontario Secondary School Teachers' Federation and others and ask them candidly off the record, apart from the job to be done, what they think about the drafting of the bill. I happen to know somewhat what their comments would be.

We have wandered, Mr. Chairman, somewhat from the suggestion in the debate of, in this case, whether the chairman or the chief executive officer of the Education Relations Commission coming before this committee would serve us best as opposed to the Treasurer in attendance, the availability of his resources and the others of the government in answering the legitimate questions that people have been raising as we have talked in these last hours about Bill 179.

We have had allegations thrown about how the government is somehow or other stonewalling by not accepting a subamendment such as is before us right now--hiding behind a stone wall, I think Mr. Martel said. I would think my colleagues probably join me when we happen to legitimately feel that when you see a Premier being involved in the debate, that's a legitimate thing and not something to be criticized. When you have a Treasurer carrying a bill, given the uniqueness of Treasury and its interface with the other ministries, be they Labour or Management Board and the others that have been discussed, we don't see that as hiding behind a wall or stonewalling.

Some of us may not feel the chief executive officer of the Education Relations Commission is the best vehicle for us in our job and in the context of what we are to be doing here as legislators, dealing in the policy, to be sure, of this and the philosophy of this bill, and of course now, as we get to the specifics, to deal with legitimate questions of how it will impact on teachers' groups, if you will, and the others that have been mentioned in the debate.

I hear us talking about all kinds of predictions, the post-Bill 179 issue as it affects teachers, for example, predicting a 12 per cent inflation rate. We all know we've been experiencing that. I think we are all hopeful that this legislation--yes, I agree, it is not a singular answer. It's not an answer to the interest rate, as Mr. Martel mentions. It is, rather, but one step by this government, but certainly a step by this government, towards what a teacher who has written from the Windsor school teachers' federation mentioned. I quote: "I recognize the government's position that the bill is designed to reduce inflation and improve the economy." He went on to disagree with the bill somewhat but the teachers see that as being a view of the government in introducing this bill.

9 p.m.

It isn't a cure-all. I don't think anybody pretended that. I recall the Premier in his opening statements readily admitting that it impacted on the collective bargaining process in this province. He expressed, as the Treasurer did in his statements,

considerable reluctance about that impact, a very real sensitivity about it.

Others have mentioned how Bill 100 came into being with this government, how it has served well, how it has reduced strife. We government members would agree, to be sure, how that has happened. We've certainly taken flak, in the political wars and at other times, about Bill 100. Others would have had us view it differently and would have had entirely different legislation.

We share the same concerns about the impact of this program. We share the same interest in having the answers to the questions about, yes, the post-Bill 179 era.

Mr. Mackenzie: You react to the public opinion polls. You brought in one of the rottenest bills--

Mr. Jones: We have amendments. We have certainly seen amendments from the Liberals and there are others coming forward from the government that haven't yet been circulated. We're anxious to get on with the clause by clause consideration. We know some allegations have been afield that requesting the attendance of the chairman of the Education Relations Commission is some kind of legislative deking or some kind of a wrangle. I suppose some of us feel that rather strongly as we've sat here and heard some of the frivolous debate that has been offered. I suppose some of us keep notes of it and have been disappointed by it.

When we talk about wanting to have these answers, we're members in our capacity the same as others on the committee. We happen to feel that having a Premier who has taken an interest in the program, having a Treasurer who has taken interest and stands ready as we talk right now to attend and get on with the clause by clause, we feel that this subamendment is, unfortunately, yet another in a developing litany for whatever combination of reasons.

Certainly I'm sure there would be a genuine desire to examine Bill 100 and a lot of other things that have been discussed that have to do with our educational system. That's the type of thing that was brought up in the debate this afternoon. For the purposes of this bill, an overall economic bill, a bill, as this teacher who writes and says, "I recognize the government's position that the bill is designed to reduce inflation and improve the economy." That's true, that's what it's about.

I've talked with teachers in my constituency and I've had many of them candidly and sincerely share with me their recognition that they're a part of this society too. They're caught up with our economic hardships. Our friend, Mr. Martel, speaks of the fact that middle-income people are frightened as never before. There is almost no segment of our economy or our society that isn't being impacted and isn't very fearful about the times we're in. This was seen as a positive--not just a response to some kind of polling, I know the allegation, but rather seen as a very positive response. It's felt that way by many people, including many teachers, too, I have to share with you, Mr. Mackenzie.

Mr. Mackenzie: Did you file one brief in support of it from the teachers?

Mr. Jones: I have to suggest that the briefs coming before us, of course, from the teachers have very much been--

Mr. Mackenzie: They're all suspect, eh?

Mr. Jones: --pointing out their concerns about the legislation. I have to say that people as a whole all know full well that government has a responsibility.

All of us have to share in addressing a cure. It isn't one singular cure at all. We never pretended that. Rather, it is one with a linklock to many that have to happen. We have to contribute; this government provincially and others are being called upon in the private sector, whether it's small business under the forces that are at work out there or whether it be large business. All of those other forces are at work.

Mr. Chairman, I appreciate the spirit with which it is requested in this subamendment that the chairman or the chief executive officer of the Education Relations Commission come before this committee, yet I have to suggest that we could make this case for almost anyone if we start to point out how everybody is touched--or many people, certainly everybody in this government, every ministry you want to mention. Somehow or other there are people who are going to be affected and some of them would have comment to make towards us.

We had those in our hearings. We had people come before us. We had a cross-section, as you well know. I just suggest that for us to get on--someone said this afternoon it's not a good way to legislate, the way we were behaving this afternoon. I would have to agree with that, but we're anxious to debate the questions that have been offered. I would just have to suggest that we stand ready to do that.

The Treasurer, as the House leader well knows, stands ready to attend the committee and to get on with the job. I, for my part, do not make the attending of the chairman or the chief executive officer of the Education Relations Commission a priority, given the many other things we ought to be doing if we are to get on with legislation.

Mr. Mackenzie: Their entire reason for existing is destroyed when you look at the Matthews commission and what it says that the Education Relations Commission is supposed to do. Every single one of the outlining of their responsibilities disappears.

Mr. Chairman: Order. Mr. Jones, were you finished?

Mr. Jones: Yes.

Mr. Chairman: Thank you. Ms. Bryden.

Ms. Bryden: I have heard some arguments from the



previous speaker as to why we shouldn't call these particular people, the chairman and the chief executive officer of the Education Relations Commission, on the ground that there are a lot of other affected public servants who might also be called. I think this case is a special one.

For one thing, of the 500,000 people who are presumably affected by Bill 179, I would guess that at least 10 per cent of them are teachers. That's a large percentage.

The other thing is that for those teachers we have a very specialized form of collective bargaining in Bill 100. The history of that bill has been cited by my colleagues--how it came to pass after a long and historic battle to grant teachers the right to strike but to attempt to meet the problem of also protecting the interests of the students who, in long strikes, might face the loss of their year. You do have to balance off those two things in collective bargaining for teachers and I think Bill 100 did arrive at a reasonably good compromise in machinery for ensuring that collective bargaining in that field would proceed on a somewhat different basis than collective bargaining elsewhere. At least the principle was recognized.

That special basis involved special timetables as to when bargaining had to start. It involved special mediators who were specially trained by this Education Relations Commission. It involved actually a special commission to administer the whole process and to see that bargaining occurred in good faith under the rules that had been set down to govern this particular kind of collective bargaining.

So it seems to me, when you have all that special machinery you simply must find out from the people who have the job of administering that machinery how their role would be affected by this legislation. I think it has been even suggested that they perhaps should all be put out to pasture for the duration of this bill, because a lot of their jobs, such as holding strike votes and training special mediators, may be surplus under this legislation. In effect, this legislation really puts all collective bargaining in a freeze.

9:10 p.m.

Even if it does that, we should find out from them what they as a commission expect to do in the next one, two and three years. What role do they expect to play in keeping relations harmonious within the educational sphere? I do not think we can do that without getting them before us to find out how they think their various functions, one by one that have been read to us--will be carried out in that period.

Their functions, Mr. Chairman, are quite different from other civil servants' functions. They have a very special role to play to ensure that we do have harmonious relations between teachers and boards of education. That is an objective all of us should be pursuing. We know that labour unrest, or teacher unrest, or board unhappiness with their teachers, or inability to make decisions about staffing will ultimately affect the quality of the



educational system. So, that is the first point as to why we must get them before us, because they administer a very unique piece of legislation which affects a very unique kind of collective bargaining.

My second point, Mr. Chairman, is that part of their role is to monitor whether bargaining in good faith is going on. We have been told that there will still be some collective bargaining under Bill 179 on nonmonetary issues. Presumably, there will be no collective bargaining on monetary issues because the legislation says that all that can be granted is nine per cent in the first year, if you haven't got your agreement settled, and five per cent the next year.

But, Mr. Chairman, there is no compulsion on the boards to even give those percentages; it is up to those percentages. Without the right to strike, it would appear that there will be no bargaining in those fields. It will simply be begging as to whether the boards will grant up to the nine per cent or the five per cent.

The pattern I understand so far is that one board has actually offered zero to their teachers when they came before them, after the legislation was passed. Others are offering under the nine per cent. It is very difficult for the Education Relations Commission, it would seem to me, to say that this is bargaining in good faith. Therefore, I think we should get them before us to find out how they are going to interpret their mandate to see that there is bargaining in good faith.

Another point is that if there will be bargaining allowed on nonmonetary items--and this has been said is allowed under the legislation, but a great many of us are very skeptical as to whether there will be very much nonmonetary bargaining--the first problem is what is a nonmonetary item.

Mr. Laughren: Good point.

Ms. Bryden: And who will decide? Will Mr. Biddell decide what is a nonmonetary item? Particularly when you get into the teaching profession, will he have sole say in a very complicated area which has its own special problems?

For example, Mr. Chairman, among the items that have been bargained in the past by teachers under Bill 100, is staffing numbers, as to how many you need to meet the needs of the different kinds of education you have to give. This affects the size of classes. No other industry has a problem about pupil-teacher ratios, but this is a bargaining matter. It has been in the past. Will it be considered a nonmonetary item in future or will the teachers and the boards be not permitted to negotiate staffing numbers, the size of classes, or even type of staff--whether they are going to have two physical education teachers and one art teacher, or vice versa?

That is something we have to ask the chairman and chief executive officer, as to whether that will be a nonmonetary bargaining item.

Another point is that Bill 82 on special ed commits school boards to provide whatever special education is required by their pupils by 1985. Will any movement be allowed to see that the staff is being made available to meet that target? Is that a monetary or a nonmonetary item? This is also something we have to find out.

Third, there is the question of surplus teachers from declining enrolment. In the past that has been the subject of bargaining, as to whether those surplus teachers should be laid off, or whether the work should be shared, or what use should be made of surplus teachers. This is an item that is specific to the education field as far as collective bargaining goes, and requires clarification as to whether it is affected by Bill 179 and if so, how.

Next, Mr. Chairman, I would like to speak about the special effect of Bill 179 on women. In the past, under collective bargaining for teachers, nonmonetary items that specifically affect women have been part of the contract, such as health and safety regulations that affect pregnant women. There have been suggestions that pregnant women should be not allowed to work in teaching computers if they are exposed to video display terminals, or women who are in a classroom where there is a case of German measles. If the women are pregnant, they should be allowed to be transferred. These have been negotiated in the absence of any regular health and safety rules mandated by the province for those items.

Then there is the question, of course, Mr. Chairman, of affirmative action programs to bring more women into principalships, to give women more access to departmental head positions, to give them more access to training paid for by the board and to encourage them to move up in the system.

Will all this activity be considered nonmonetary or will it be considered monetary? If it is considered monetary, will it be put in a state of freeze for the duration of Bill 179? If so, it should be looked at very carefully, but we would certainly like to get the opinion of these two officials as to whether they think that there will be a freeze on that kind of collective bargaining. I would hope that it would be not stopped because it would be highly discriminatory against women if there is a freeze on affirmative action under this legislation.

There is also the question of improved day care and improved pregnancy leave for teachers. Will these be considered nonmonetary items? If they are not, will there be a freeze on any changes with respect to them? These have also been negotiated by school boards in the past and the question, again, is who will decide whether they are to be considered not covered by Bill 179.

Even if they are decided to be nonmonetary items, without the clout of the right to strike and without general collective bargaining, it is going to be very difficult for most teacher organizations to get action on any of these fields, because of the fact that when you do not have something to trade off, you do not usually get the employer to sit down and bargain with you on items that he may or may not wish to give. But if he is at the

bargaining table on other matters, he is more likely to go along with them.

9:20 p.m.

Before I close, Mr. Chairman, I want to just draw your attention to one particular question I think is an overwhelming reason for bringing these gentlemen before us. In the Toronto Star last Wednesday, November 3, there is a report on the Metro Toronto fact-finder in the present negotiations for the Metro boards with their teachers. He recommended a nine per cent raise. This may seem coincidental that it is the same amount as the province is allowing for people who are in the process of bargaining, but as he points out, it also jibes with recent agreements in the private sector such as the auto workers, who got about nine per cent a year.

The point is, even though he has recommended nine per cent a year, there is still no compulsion under this legislation for the school boards to grant it. They can still offer anything up to that but with the right to strike they might have a much better chance at getting at least what the fact-finder suggests.

The Ontario Secondary School Teachers' Federation, in this particular negotiation, has actually asked for 14 per cent. The board has offered 6.5 per cent, so you can see that the gap is substantial, but the fact-finder has at least given them a good strong argument for getting up to at least nine per cent, but there is no guarantee on that, as far as I can see, that they would necessarily get it. So we would like to get the opinions of the chairman and the chief executive officer on what will happen to this fact-finding report.

There are two points also made by the fact-finder that I think are very significant. "The fact-finder," and I quote, "warns that the two sides should not ignore the staffing implications of the province's new special education legislation which comes into effect in 1985. That will force school boards to offer special classes to every child who needs them. Ignoring that issue completely for now would be a dangerous course to follow." So he has put that issue squarely on the table, but, as I was asking earlier, we must find out whether the boards will be allowed under this legislation, to do that pre-planning for meeting the 1985 targets on special education.

The other things I would like to read into the record is that the chairman of the Metro board, Mr. Tolton, commenting on the report said, "It is a reasonable document and it would seem at least there is a basis of settlement contained in it." Then he goes on. "But," he added, "I think it is prudent for both sides to cease and desist until we determine how Bill 179 passes." He does not say when it passes. He says until we determine how Bill 179 passes. It would appear that even Mr. Tolton would like more clarification and expects possible changes in Bill 179 from this clause by clause procedure that we are undertaking.

I think he probably would agree with us that it would be valuable to get the commission officials before us since they have



already played a partial role in the negotiations and will continue to play their role of monitoring to see whether there is good faith bargaining. If they find that there is not good faith bargaining, I am not quite sure what their remedy is when this legislation seems to have set aside most collective bargaining rights.

That is something I would also like to ask them. For those reasons, I would urge all members to vote to bring these officials before us and tell us also what they think will be the effect on labour harmony within the teaching profession of this bill because I think that is what we are all concerned about for the good of the system and for the good of the kids.

Mr. Stevenson: I have listened here most of the day to the comments of the members of the third party and I must admit that I do have some difficulty in accepting some of the concerns they have gone on at great length in attempting to describe.

Certainly there will be some partial interruption in the rights the teachers have obtained over the years. I think it should be made quite clear however that Bill 100 came into existence under this government and the members of this party are very familiar with the importance of that bill in the educational system in giving the teachers the rights to collective bargaining and the right to strike.

It seems to me that the teachers in this province are professional people. They certainly have learned in their own jobs to at times operate under certain difficulties and I think they will continue to do so. At least, I have every confidence that they will continue to do so. The teachers I talked to are really more concerned about the effect of this legislation on their salary grid system and much less concerned about the loss of the right to strike for one year, or in some cases, two, or the fact that their salary raises have been locked in at five per cent.

You can talk about the effect on the individual teachers or the individual this or the individual that and, quite clearly, one also has to think about the individual taxpayer who is footing the bill and, of course, teachers fall into that category with all the rest of us.

I look around at small business people and the employees of these small business people. I look at farmers, of which I am one, and I can tell you that many of those individuals would be delighted to have a five per cent increase. Certainly they are operating under influences that are not within their control and most of them would, in fact, be very happy to have a year as good as 1982 in 1983. Many of them simply will not have as good a year and they will be lucky to take home five per cent less, let alone five per cent more.

As I say, they are working under every bit as much difficulty as many of the public service people and in most cases they will not allow the fact that they are being locked in at five per cent or less affect their work. In fact many of those people



will likely work harder to try to make sure that their jobs carry on and that they do their particular duty in society.

I am sure it is not going to affect their output or their concern or anything else associated with their jobs, because they hope and know that the current financial difficulties are temporary and in time, I hope in a short time, they will begin to improve and things will be much better for them.

I suppose it comes down to the old business of when the going gets tough, the tough get going. I feel quite confident that most of the teachers will accept the same sort of--

Mr. Renwick: Who said that? Who was the illustrious statesman who said that?

Mr. Stevenson: I don't know. He must have been an NDPer.

Mr. Renwick: No, you know who he was, don't you?

Mr. Stevenson: I must admit I have forgotten.

Mr. Renwick: You shouldn't toss in those phrases. It was Richard Nixon, the only president of the United States who retired from office in disgrace.

Mr. Stevenson: Oh, God. Thank you for that clarification.

I really have great difficulty sharing some of the concerns of the party opposite and if they are really so concerned about some of these issues I know the ministers and I am sure the chairman of the Education Relations Commission would be quite happy to meet with them and discuss whatever they feel are problems. For that reason, I simply cannot support this amendment.

9:30 p.m.

Mr. Wildman: I want to speak to this motion as a member of the Ontario Secondary School Teachers' Federation. I suppose I should declare a conflict of interest on this.

Mr. Chairman: And we are discussing the subamendment.

Mr. Wildman: Yes. The amendment to invite the chairman and the chief executive officer of the Education Relations Commission before the committee. That is why I wish to speak about this, because I do believe it would be useful to the committee to have those gentlemen appear to discuss the effects of this legislation on Bill 100.

I listened very closely to Mr. Stevenson's comments and I must say that I do not think he is making a fair analogy or comparison when he says that farmers, for instance, would be happy to receive what they received last year, or perhaps a five per cent increase. I think it would be far more analogous if he were to say what farmers would say if their marketing boards were

suddenly taken away from them by legislation. That would be similar.

I notice that the member does not want to stay to listen, but that would be far more equivalent. If you suddenly said to those members of commodity groups who now, and have chosen freely themselves, interestingly enough, to belong to marketing boards, that the government would take away--

Mr. Watson: I think the chairman is letting him wander just a little far.

Mr. Wildman: With respect, Mr. Chairman, I just listened to a speech about farmers and small businessmen wishing to have as much as they had last year or perhaps five per cent more, and I think that wandered somewhat from the motion.

Mr. Watson: Mr. Chairman, some of the marketing boards have, in fact, had a rollback, not an increase.

Mr. Chairman: I do not think that is an appropriate point of order.

Mr. Watson: How much did the price of eggs go down yesterday?

Mr. Wildman: The point I am making, Mr. Chairman, is not the question of price but the fact that if legislation were introduced in this House to remove the right of commodity groups to join together collectively in a marketing board operation, you would see farmers all over the place objecting, and I think they would be right to object.

That is exactly what is being done in this legislation. You are saying to teachers and other public servants that the rights they have fought for over many years will now be suspended and taken away from them. They have a right to object and I support them in their objections.

I just wish that those who use that facile argument that other people in the economy are having difficulties--and they are--and therefore, because they are having difficulties, we should somehow ensure that the public servants and the servants also have difficulties, to really think about what they are saying.

Mr. Watson: The farmers do not like this legislation either. They think it is much too generous.

Mr. Wildman: Mr. Chairman, I have a large number of farmers in my riding, not as many as the member who just spoke, I am sure, but I have a large number and I have more confidence in their view of the world than that member. They really do believe in fairness. They do not believe in punishment and in cruelty. They believe in supporting the rights of people.

The majority of farmers do not agree with the unilateral suspension of rights for anyone. I just wish that the member would really be careful in characterizing farmers as some kind of group

that want to remove rights from others in our economy. I really doubt that is the case.

The motion before us, Mr. Chairman, is to invite the chairman and chief executive officer from the commission before us. I think it is important that we do. Other members have said that it is important to bring them before us to discuss the effects that this legislation will have on Bill 100.

I must say, Mr. Chairman, in passing, that I regret very much that this committee apparently has voted against inviting the Minister of Education (Miss Stephenson) before the committee. I realize that she is very busy right now with carrying Bill 127 in the House. I had hoped that this committee might consider adjourning until the completion of that legislation in the House so that the minister could appear before the committee.

If she cannot come, at least it would be useful to have the people from the commission. As many members have noted, it is the responsibility of the commission to ensure that good faith bargaining is taking place between teachers and boards in this province and, when a complaint is made by either side, to investigate that and to report on whether or not there has been bad faith bargaining. It seems to me that Bill 179 completely abrogates that section of Bill 100 and that responsibility for the commission.

I think it is important for those of us who support Bill 100 to remember that prior to the introduction of that legislation we had something that approximated chaos in negotiations between boards and teachers in this province, a situation which culminated in a mass demonstration at Queen's Park by teachers. There was a very serious situation in the education system in this province. The government responded, at the prodding of members of the opposition, with legislation which has since that time, since its passage, worked very well.

I think I should remind the chairman that prior to the passage of Bill 100 we had more strikes and disruptions in the education field proportionately than we have had since. In other words, we had more illegal strikes--and I use the term "strikes" in the wide sense that it is used under Bill 100 where they would include working to rule, those kinds of things also, not necessarily walkouts, because the term "strike" is used for all of those under Bill 100. We had more strikes proportionately prior to the introduction and passage of Bill 100 than we have had since.

The reason for that is that after an initial period of adjustment, teachers and boards learned how to operate and how to negotiate meaningfully under the guidelines of Bill 100. Where they ran into difficulties the commission was able to come in and to assist.

Now, when we have reached the point where we do have serious negotiations in education, where there have been very few work stoppages or lockouts, we have a government come in, a government that introduced the very piece of legislation that has helped to resolve the problems in the education field--



Mr. Jones: We had a lot of critics of that bill at that time too, Mr. Wildman.

Mr. Wildman: Well, you will remember that this party was quite supportive of a number of the changes. But the very government that introduced that bill now comes in with a bill which suspends the full operation, in essence, of Bill 100 for at least a year, and in some cases, longer.

In the area that I come from, in the negotiations between the Sault Ste. Marie Board of Education and the secondary school teachers, under Bill 100 the commission appointed a fact-finder because the negotiations had ground to a halt. That fact-finder was appointed prior to the introduction of this legislation in this House and subsequent to the introduction of this legislation in this House a report was made by that fact finder to the two parties involved in the negotiations in which an 11 per cent increase was recommended.

I really wonder what that means, now that we have the introduction of this legislation. I would like to be able to ask the individuals from the Education Relations Commission how they view that fact-finder's report. It seems to me that the recommendation of an 11 per cent increase is just academic now and we will see that Bill 100, in essence, is in suspension.

9:40 p.m.

A neighbouring board in my riding, the Central Algoma Board of Education, has just announced it has had a fact-finder appointed by the commission to look at its negotiations with the secondary school teachers as well. It is interesting that the bill seems to continue to operate, the commission continues to do its job, and yet it seems to be a bit of a farce. If Bill 179 passes, the report of the fact-finder will probably be inoperative. I doubt very much that the fact-finder will come back with a recommendation of five per cent or less.

I really wonder if that is going to encourage respect for the operation of Bill 100 by either the teachers or the boards. It does not bode well for the future of labour negotiations between teachers and boards in this province, when Bill 179 is finished and we go back to collective bargaining.

It has been suggested that this bill does not prohibit the negotiations of nonmonetary matters, so negotiations could continue between teachers and boards. That raises a real question in my mind that I would like to be able to discuss with the ERC prior to our clause by clause. That question relates to staffing and staffing formulas, class sizes and pupil-teacher ratios.

I doubt you would be able to persuade very many boards--or for that matter, very many teachers' organizations--that staffing is a nonmonetary matter. If it is a monetary matter, then what would be left to negotiate? The compensation is already decided if this bill passes. That involves benefit packages as well. If staffing is monetary--which I would think it is--what is left? You cannot negotiate class size without talking about monetary



matters. I just do not understand what else could be left.

It has been suggested by the Liberal members on the committee that we might somehow get around this specific problem by amending the word "nonmonetary" to "noncompensatory." I think that is what they are suggesting. Their view is if it said "noncompensatory" rather than "nonmonetary" then you would be saying that only wages and benefit packages would be determined by the legislation and if there was a problem it would be determined by Mr. Biddell, whereas other matters, perhaps involving staffing could still be negotiated.

I have said before in this committee that I think that demonstrates a lack of understanding of the collective bargaining process. As a former negotiator, I have had experience over a number of years with the fact that in negotiations all things are on the table until the final agreement is reached. There is a trading situation; trading back and forth, and so-called noncompensatory matters are sometimes traded for compensation or vice versa.

Since arbitration would not be allowed, it would make it very unlikely that any real negotiation would take place since both parties would have to voluntarily agree to any changes in a so-called nonmonetary or noncompensatory matter.

So, I would like to have the expertise of the ERC before we discuss any of these proposals, so they could indicate to us whether or not they think negotiation of nonmonetary or noncompensatory matters could indeed proceed if Bill 179 is passed, and if there would be any real meaningful negotiations in most cases.

I would also like to find out what the ERC believes will be the result of the suspension of Bill 100 on the relations between teachers and boards, teachers and the government, teachers and the general public, as well as boards and the government, and the results for the future of Bill 100 and the operation of Bill 100.

Mr. Chairman, as you know, the ERC is responsible for monitoring good or bad faith bargaining, and for appointing fact-finders and assisting in the reaching of agreements. It is also responsible, when there is a disruption, for determining when the education of the students might be in jeopardy.

I would wonder how the ERC would be able to operate if Bill 179 is passed. How could they continue to fulfil their responsibilities in the light of this legislation? I think these are very serious matters, and it would be irresponsible of the committee if they were not investigated prior to the discussion of the clause by clause of Bill 179.

We had a lot of presentations during the hearings from teacher groups as well as other labour groups and management. One after another, we heard teacher organizations, sometimes very eloquently, requesting that this legislation be withdrawn, and indicating that they saw very serious effects for the future of teacher-board negotiations if it is passed.

They said, almost unanimously, that they did not want to see it amended; they wanted it withdrawn. I think the government members on the committee should want to have the opportunity to question a nonpartisan objective group, some experts who have the respect of both teachers and boards, and have the respect and confidence of the government, like the ERC.

The ERC has the expertise to be able to give us learned opinions in these matters. I would really be interested in hearing what kind of argument the government members might be prepared to make against asking for this kind of expert advice. I mean really dealing with the issue, not someone sitting down and saying, "We are in favour of this legislation because the general public wants it."

9:50 p.m.

I want to deal with the amendment, and I am sure you will ensure whatever member speaks, speaks to the amendment dealing with the invitation of the ERC members to the committee. I am ready to be persuaded by a lucid argument from the other side that the expertise of the members of the ERC would not be useful to this committee.

So far I have not heard any, and without that kind of convincing argument, I would say the government members should agree to the amendment and invite the ERC members. That is, Mr. Chairman, if this is not just a stonewall by the government. I am sure it is not.

I am sure they have good reasons for what they are doing. I am willing to hear them, but without being given those reasons, I can only conclude that the government is taking the position: "We have made up our minds already. Do not confuse us with facts."

That would be most unfortunate for the future of teacher-board negotiations in this province. I appeal to the government members to support Bill 100, to support its continuation and to get the advice of the ERC on the effects of the legislation before we proceed with the debating of it.

Mr. Chairman: Thank you. Mr. Foulds?

Mr. Foulds: No government member wants to respond.

Mr. Chairman: You are next on the list. Have they told you what the amendment is?

Mr. Foulds: I have it before me.

Mr. Chairman: I just wanted to make sure.

Mr. Foulds: "The chairman and chief executive officer of the Education Relations Commission be requested to appear before the justice committee to discuss the implications of Bill 179 on teacher-school board negotiations and relations in the province of Ontario."

Mr. Chairman: And each of the previous speakers has mentioned that every 10 or 15 minutes.

Mr. Foulds: That is the amendment I would like to speak to. I have a particular interest in this particular amendment because for some six years in this House I was spokesman for educational matters for the New Democratic Party.

I am afraid that a number of members present in the committee--and some of those members who are not present but will be eventually--simply do not understand the unique and special development of collective bargaining in the educational sector.

I am sure you will remember, Mr. Chairman, back in the fall session of 1973 when the government brought in two bills. One bill was called Bill 274, the other bill was numbered 275. They were bills which, in a very arbitrary and authoritarian manner, not unlike this legislation, made the resignations of teachers null and void.

You will recall that in those days they did not have the right to collective bargaining. They did not have the right to strike. When they got into a dispute with their employers, the boards of education, they had only one tool, and that was to collectively submit their resignations at one time. They could do that either in December or before the end of May for the end of the school year and at no other time.

That had happened in 17 disputes in 1973, and the government brought in legislation that refused to allow them to have the right to resign. The then Minister of Education, the Honourable Thomas Wells, brought in the legislation and the parallels that we have to the legislation we have before us are striking.

The NDP divided on first reading of that bill. We had every member of our caucus speak in second reading of that bill, and the government at that point had the good sense to withdraw the legislation. Settlements were negotiated in those 17 boards in the next two to three months, as I recall.

Over the course of the following 18 months the Minister of Education, who originally believed that collective bargaining as we know it was not a right that the teachers should have, became persuaded that it was a right they should have. That there should, in fact, be formal negotiating procedures between boards of education and their employees, the teachers.

That legislation eventually saw the light of day in 1974 and was known as Bill 100. Just as education itself has had a unique development in this province, where we have local school boards elected with a good deal of autonomy at the local level, so the collective bargaining in the educational field has been unique in its development.

One of the things that has become apparent as we pursue Bill 179 of the current session, is that the bill does more than it purports to do. Much, much more. It does more than restrain wages to five per cent; it does not do anything to restrain prices to



five per cent, although government statements initially tried to indicate that.

It ruptures, in a very dramatic way, traditional negotiation procedures. It does it in the educational field, it does it in the labour relations field, it does it under the Hospital Labour Disputes Arbitration Act.

Under the terms of the teacher-board negotiating bill, commonly known as Bill 100, the Education Relations Commission is set up with very special and unique functions. It has a responsibility to ensure the proper negotiating procedures between boards and teachers, but it also has a responsibility to ensure that the educational program that is given to children is such that they do not suffer unduly in a single school year.

I think it would be most incumbent upon this committee to have the views of the commission about how Bill 179 affects not merely the negotiating procedures between teachers and boards, but how it intervenes in the education procedures.

Upstairs in the Legislature at this very moment we are in committee of the whole House discussing the clause by clause stage of Bill 127, the bill that has to do with forcing the government's view of what education should be about, and what the quality of education should be about, with regard to Metropolitan Toronto. It is interesting that the two bills before the House that are taking a good deal of the Legislature's time and energy, both in committee and in the House itself, are bills that set aside the traditional rights and values that have been established in this province.

Bill 127 upstairs is setting aside the traditional values that the Tories say they hold dear. That is the tradition of local autonomy, the tradition of a board to have the right to decide what it feels is in the best educational interests of the children for which they are responsible. This amendment before us--

Mr. Piché: Let us get on with the amendment.

10 p.m.

Mr. Foulds: I am just giving a parallel argument. I would like to call to the attention of the member for Cochrane North that there are a number of ways of making an argument. One is by the simple political jingle. That is what the Ontario Tories know and understand. A half-an-idea argument in a single statement or less.

There are arguments that one can make by way of illustration, using examples from history, from other pieces of legislation, poetry, epics, novels, you name it, you can use the illustrations and quote extensively from Ecclesiastes or the Book of Job. I do not have those handy with me, but I could, for example, do that if the spirit moved me.

There is a parallel argument that illustrates the principle embodied here by using an argument that the members may be



familiar with that had to do with another piece of legislation.

I would have thought that, with the tremendous knowledge that the member for Cochrane North has, he would understand that principle of parallel argument. Now, I understand that the original motion was to invite the Minister of Education, and--

Mr. Chairman: The original motion is for Dr. Elgie, the Minister of Consumer and Commercial Relations.

Mr. Foulds:--and there were subsequent amendments that dealt with--

Mr. Chairman: One that dealt with the Chairman of Management Board of Cabinet, an amendment that is still in front of us, and the subamendment is now dealing with the Education Relations Commission.

Mr. Foulds: Did we have one on the honourable Minister of Education?

Mr. Chairman: Oh, yes, for over three hours on that.

Mr. Foulds: That was defeated?

Mr. Chairman: Yes. Six to four. That is called the six and four solution.

Mr. Piché: It is obvious that he did not do his homework when he was asked to come here and help to filibuster.

Mr. Watson: At least he is on the right amendment.

Mr. Renwick: He was not asked by anybody to come here to filibuster. He came into this room to participate in the debate.

Mr. Foulds: Mr. Chairman, I would like you to call the member for Cochrane North to order under standing order 19(d), paragraph 9, where a member should be called to order when he imputes false or unavowed motives. I may have the section wrong, but you will remember the page.

Mr. Chairman: There are several subsections of 19(d) that also refer to you--needless repetition, speaking to the question, and such things.

Mr. Foulds: I thought I had been doing pretty well, actually, and I thought that you had agreed because you had not intervened at all, Mr. Chairman.

Mr. Chairman: Mr. Wildman. Point of order?

Mr. Wildman: I understand the goodwill that my colleague from Port Arthur has used and expressed in pointing out the rule to you but I really do think that the chairman should not allow a member of this committee to impute motives.

Mr. Chairman: You are quite correct, it is paragraph 9,

"imputing false or unavowed motives to another member." What was it he said about you?

Mr. Foulds: He said that I was asked to come in here and filibuster. That is certainly not so. I came in to see what was proceeding, having participated in the debate upstairs.

Mr. Chairman: That is quite in order. It is a different member of his party, the member for Cochrane North, who mentioned that they were filibustering. This man has not done so.

Mr. Chairman: Would you carry on, Mr. Foulds?

Mr. Renwick: I started the day with the member for Cochrane North. It looks as if I am going to end it with him.

Mr. Foulds: As it turned out, I happened to drop into the committee--are there any other interruptions you would like to make to prolong unduly my remarks, René?

Mr. Piché: Continue.

Mr. Foulds: Thank you. As it turned out, I happened to come in here just when this particular amendment was before you. As the former education spokesman for my party, it was one that particularly attracted my attention. It is an area about which I have some knowledge and a good deal of interest.

Because I have some knowledge and a good deal of interest, I would very much like to have the Education Relations Commission before us so that I and other members of the committee could have more knowledge.

I can believe that when a piece of legislation is passed, when a single clause of that bill is passed, it should be passed with full knowledge of the implications of that legislation. In fact, you will note that the whole structure of our Legislature and the whole standing orders about the processing of bills, are all devised to that end, so that there is not undue haste in ramming through a piece of legislation, but that a good deal of sober second thought can occur between first and second reading, between second reading and committee stage, between committee stage and third reading.

Unfortunately, in this province we have no second House to refer our bill to, so that there can be sober second thought. Fortunately or unfortunately. However, we have built our own safeguards into our, as they say, unicameral system.

Now, the reigning party in Ontario over the last 40 years has built in its own kind of senate, for patronage appointments, but that is beyond the purview of this particular amendment, and I do not speak to that. I speak on the amendment.

I believe that the Education Relations Commission has performed an extremely valuable function in negotiating procedures between teachers and boards. I think it has performed an extremely valuable function in terms of serving the educational needs of the

province. As we examine this bill every day, we understand, or begin to get some dim perception of the greater impact that it has in a host of areas that we did not expect.

I firmly suspect, although I cannot prove it, and that is why I want the ERC before us, that this bill will have a damaging effect upon the smooth running of our educational system. I believe there is some slight connection between the quality of teachers that we have and the quality of education that our children receive.

I believe there is some slight connection between the number of children that a teacher has to teach and the quality of understanding that child has in the subject that he or she is learning at the time. I believe that there is some slight connection between staffing ratios and the quality of education that a child in grade 1, 2 or 3 or a child in grade 10, 11 or 12 receives.

I believe, for example, that if we could, in the early years of education, have staff ratios low enough that the teacher responsible could at least identify the particular learning problems or strengths that a child has, we could put that child in a special learning program and save an awful lot of anguish and frustration and money, both later in the educational system, and later in the correctional system, and that has to do with the kind of evaluation that the ERC has to make about the state of education in the province.

10:10 p.m.

I would very strongly urge all members of the committee to support the amendment. I know a number of main motions and a number of amendments have been defeated. I ask them to give special consideration to this one because, as my colleague from Algoma pointed out, there are all kinds of relations between monetary and nonmonetary items. In education particularly, it is virtually impossible to determine a so-called nonmonetary item. I think it makes common sense to invite the Education Relations Commission.

As you understand the scope of that legislation, as you read it, you notice there were extraordinary steps taken in the processes of mediation, conciliation, fact-finding and so on. I would like to know from the ERC how those are affected by this particular bill, by the establishment of, what I like to call the income restraint board, rather than the Inflation Restraint Board.

If this bill does as much damage as I suspect it does, education relations between boards and teachers will never again be the same. More fundamentally, I believe the education of our children in our schools will never again be the same.

That is a very heavy price to pay for a bill that is merely a political response to a very serious economic problem. To rupture the educational system of this province that has been carefully nurtured and built up over a century, for a quick and



easy political advantage in the short term, is uncharacteristic and unworthy of this government.

Therefore, I ask this committee to save this government from itself and to support this particular amendment.

Mr. Chairman: There being no further debate, may we have the vote?

Mr. Renwick: Could I call for a recorded vote on this amendment?

Mr. Chairman: Yes. That is fine. A recorded vote is requested at 10:12 p.m. How many minutes would you like, Mr. Renwick?

Mr. Renwick: Twenty.

Mr. Chairman: That will take us past 10:30 and we must adjourn at 10:30 according to our mandatory instructions. ' vote, therefore, will be taken 10 minutes after commencement ' next Tuesday. A week today, November 16.

Interjection: What would happen if we vote right now? Would that hamper the filibuster of the NDP?

Mr. Chairman: Yes, it would.

Mr. Foulds: Is a recorded vote request the same thing as clause 29(c)?

Mr. Chairman: Mr. Epp has a--

Mr. Epp: It appears that the NDP does not know which way it is going to vote on this. Is that why we need the 20 minutes?

Mr. Renwick: We need the members here.

Mr. Epp: Mr. Mackenzie is not here.

Mr. Renwick: Mr. Mackenzie and I are the voting members.

Mr. Mitchell: With all due respect, not wanting to raise the ire of anyone, when you called the vote, all that was asked for was a recorded vote. There was no request made at that time for a call-in to the members.

Mr. Renwick: Yes, there was.

Mr. Mitchell: Only if they so request it.

Mr. Renwick: I requested it.

Mr. Mitchell: But not at the time. It was on the chairman's query to you.

Mr. Renwick: Well, the chairman is always courteous.



Mr. Chairman: Mr. Mitchell, you might be quite correct. However, we will go with the 20 minutes to call the members. Gentlemen, may I have something before you before you goof around and goof off?

May I point out that Hansard reporter Doreen Tomlinson, sitting with us tonight, ends her career tonight as a Hansard reporter after approximately 12 years with Hansard. As of tonight's meeting, she enters retirement.

[Applause]

Mr. Chairman: She will be permanently saved from people like us and sessions like this. How is that?

On behalf of the committee, I wish her well in her future plans, and in her retirement, and hope she has something more meaningful to do than look at the ugly faces of the committee members.

Mr. Foulds: Half of our caucus would like to extend our best wishes and congratulations and I take exception only to the fact you mentioned the ugly faces.

Mr. Chairman: That was a partisan remark.

Mr. Epp: On behalf of our caucus, I just want to share those particular sentiments and wish her the very best in her future years.

Mr. Chairman: Adjourned to next Tuesday.

The meeting adjourned at 10:17 p.m.



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE  
INFLATION RESTRAINT ACT  
TUESDAY, NOVEMBER 16, 1982  
Afternoon sitting



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breithaupt, J. R. (Kitchener L)  
Cooke, D. S. (Windsor-Riverside NDP)  
Elston, M. J. (Huron-Bruce L)  
Eves, E. L. (Parry Sound PC)  
Mackenzie, R. W. (Hamilton East NDP)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Stevenson, K. R. (Durham-York PC)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitution:

Newman, B. (Windsor-Walkerville L) for Mr. Breithaupt

Also taking part:

Cassidy, M. (Ottawa Centre NDP)  
Jones, T., Parliamentary Assistant to the Treasurer of Ontario and  
Minister of Economics (Mississauga North PC)  
Renwick, J. A. (Riverdale NDP)

Clerk: Arnott, D.

From the Ministry of the Attorney General:

Fader, J. A., Deputy Senior Legislative Counsel



LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Tuesday, November 16, 1982

The committee met at 5:05 p.m. in room 151.

INFLATION RESTRAINT ACT  
(continued)

Resuming consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: Gentlemen, we have a quorum. I call the meeting to order.

May I ask Mr. Renwick why he is handing out goodies that are not his? There has to be a hook in here somewhere.

Mr. Mackenzie: Mr. Chairman, did we really finish discussing the previous motion on the amendment?

Mr. Chairman: Yes, we did, we are in the midst of a vote.

Mr. Renwick: Did we not have unanimous consent to reopen the discussion?

Mr. Chairman: Mr. Renwick, you had better not press your luck. You asked for X and at 10 o'clock I was so punchy I gave you Y. Do you remember that?

Mr. Renwick: Mr. Mitchell reminded me.

Mr. Mitchell: Since we have a quorum, surely the rules can be waived.

Mr. Chairman: I will let you know. We are voting on the subamendment to Mr. Brandt's motion, which was Mr. Mackenzie's, and it was received at 4:14 p.m. November 9. It was debated from then until 10:12 p.m. that evening. This is the one moving the amendment that the chairman and chief executive officer of the Education Relations Commission be requested to appear before the justice committee, etc. That is the one we are on, the Education Relations Commission.

Seeing the clock at 5:05 p.m. would you please, in voting on Mr. Mackenzie's subamendment, reply to the clerk?

Mr. Wrye: I am sorry, I was not here.

Mr. Chairman: Mr. Mackenzie is asking that the chairman and chief executive officer of the Education Relations Commission be requested to appear before this committee. Please reply to the clerk as he calls your name.

The committee divided on Mr. Mackenzie's motion to amend Mr. Brandt's motion, which was negatived on the following vote:

Ayes

Cooke, Elston, Mackenzie, Wrye.

Nays

Brandt, Eves, Mitchell, Piché, Stevenson, Watson.

Ayes four; nays six.

Mr. Chairman: The motion fails, six to four, with one person absent.

Mr. Stevenson: I would like to speak to the amendment we have in front of us.

Mr. Cooke: On a point of order, Mr. Chairman, I would like to move a motion, an amendment to the amendment.

Mr. Chairman: You cannot move a motion or an amendment on a point of order.

Mr. Cooke: I do not know why we are going to be discussing the amendment. We might as well discuss the amendment to the amendment.

Mr. Chairman: Because Mr. Stevenson has the floor and wishes to speak to the amendment.

Mr. Stevenson: I feel it is time we moved on. We do have an amendment in front of us which requests that Mr. McCague, the Chairman of Management Board, appear before this committee. We have been through a number of discussions on a number of different subamendments and, although the names change somewhat, it basically comes down to the same general argument on all of them.

From our side here, the same argument holds for Mr. McCague. Any time a bill is brought forward, it has had considerable airing in cabinet and, in this particular case, considerable airing in caucus and it does have the support of the government party. When it is a general financial bill the Treasurer carries it and I see very little point in bringing Mr. McCague in front of this committee. I am going to oppose the amendment.

Mr. Chairman: Mr. Cooke moves that the amendment to the motion be further amended by adding that the Attorney General (Mr. McMurtry) be requested to appear before the justice committee to discuss the implications of Bill 179.

5:10 p.m.

Mr. Stevenson: On a point of order, Mr. Chairman, I had started talking to the amendment. I am not sure whether this is in order at this time but, even if you should rule that it is, I feel this continual bringing up of subamendments is obstructing the

activity of this committee. We were brought down here to do a clause by clause review of Bill 179 and I would suggest that we move on with the amendment and get to the motion that is on the floor.

Mr. Chairman: I am going to rule on that. Do you want to help me with my ruling?

Mr. Elston: I just have a couple of comments, Mr. Chairman. Thank you for allowing me to speak.

When we first started this procedure in the very first couple of days of public hearings we were in the presence of the Treasurer (Mr. F. S. Miller) who indicated these motions were premature at that time, but that at a later date, during committee, there would be a number of ministers--I believe, if you check the report, he said a number of ministers would be present--so we could discuss various issues with them.

We have had only the Treasurer here and there has been no list of other ministers to appear before the committee to answer the questions about which we then had concerns and about which we still have concerns. Although I appreciate the honourable member's indication about this being a general financial bill, I think the ramifications are such that it falls outside the expertise of the Treasurer. If he were asked specific questions on the Ministry of Labour, for instance, or on the items inside Treasury Board--

Mr. Jones: I do not know--

Mr. Elston: He has on other occasions referred to them, Mr. Jones, and I just think at this time we should look to the Treasurer to come up with a list of those ministers about whom he spoke to us earlier. In terms of that sort of a commitment to the committee, there should be cabinet people and ministers available so we can discuss these issues with them.

I think, with all respect to the honourable member, that we must, if need be, thresh through all of the list and have him tell us that absolutely no one but the Treasurer and perhaps the Minister of Consumer and Commercial Relations (Mr. Elgie) will appear to us.

Mr. Stevenson: It has been indicated that the Minister of Consumer and Commercial Relations will be here. As far as any other items in the bill are concerned, as we go clause by clause, generally speaking, whatever minister in question has technical support people with him and, should a subject arise that is somewhat out of the Treasurer's realm I think there would be no problem in him seeking the advice of the people who do have the answers.

It seems to me that we can follow the normal pattern that is handled in any other bill that goes through this House.

Mr. Elston: This is not any other bill.

Mr. Stevenson: We have had several bills that overlap

with other ministries. There is nothing particularly unusual about that. Quite often Environment bills overlap with Agriculture and so on, so there is nothing particularly new. I agree it is a very complex bill and a very significant bill, more so than many.

Mr. Chairman: Excuse me, how does this help me decide, presuming I have not already decided, whether this is in order?

Mr. Stevenson: I was just responding to his point of order.

Mr. Chairman: Thank you. No, Mr. Cooke, I am not going to recognize you; you moved the amendment and we are deciding whether it is in order. You think it is in order or you would not have moved it.

Mr. Cooke: Mr. Chairman, I think I have the opportunity--

Mr. Chairman: No, not on this. You moved it.

Mr. Cooke: Mr. Chairman, I have the opportunity to speak to a point of order on my motion, for God's sake.

Mr. Chairman: No, you are assisting me as to whether I am going to rule it in order.

Mr. Cooke: Of course I am, and that is why my hand is up. I want to speak on the point of order.

Mr. Chairman: You have already moved it. Mr. Mackenzie, please.

Mr. Cooke: Mr. Chairman, I am going to speak on this point of order.

Mr. Chairman: Do you want a point of order? That is fine.

Mr. Cooke: I am speaking on Mr. Stevenson's point of order.

Mr. Chairman: No, you are not.

Mr. Cooke: Then I challenge your ruling, if you want to be so stupid about it.

Mr. Cassidy: This is ridiculous. He has the right to speak to a point of order, Mr. Chairman.

Mr. Chairman: On a new point of order?

Mr. Cassidy: On the point of order here, in response to the point of order.

Mr. Chairman: No.

Mr. Cooke: Then I challenge your ruling.

Mr. Chairman: Mr. Stevenson is only--



Mr. Cooke: I challenge your ruling.

Mr. Chairman: That is fine, we are all here.

Mr. Cooke: No, we are not all here and I will request the 20-minute delay.

Mr. Chairman: You are calling at 5:14 p.m. a gathering of the members in 20 minutes. Do remember the vote is upon whether or not you will be allowed to assist me.

Mr. Cooke: I know what I am voting on, the challenge to the chair.

Mr. Chairman: On what issue? Just make sure--

Mr. Cooke: On your ruling me out of order, that I can't speak on a point of order.

The committee recessed at 5:16 p.m.

5:34 p.m.

Mr. Chairman: It is 5:34 p.m. We are voting on the chair's motion as to whether Mr. Cooke should be allowed to speak on Mr. Stevenson's point of order. The chair ruled that he could not speak. The chair has been challenged.

The committee divided on the chairman's ruling which was negatived on the following vote:

Ayes

Cooke, Elston, Mackenzie, Newman, Piché, Wrye.

Nays

Eves, Stevenson.

Ayes six; nays two.

Mr. Chairman: The motion challenging the chair carries six to two, therefore Mr. Cooke is permitted to speak to Mr. Stevenson's point of order.

Mr. Cooke: Thank you, Mr. Chairman. I do not know if you are keeping a record but I think that is either two or three times you have been allowed to go--

Mr. Chairman: Two.

Mr. Cooke: Two times you have been hung out to dry.

Mr. Chairman: Yes and I am deeply offended, but I am still not ready to resign.

Interjection: Shows the open mindedness of the government members.

Mr. Cooke: The member for Mississauga whatever always sees a silver lining. Even though you have been hung out to dry twice, you are still all wet.

Mr. Chairman, If I may respond very briefly, in less than the 20 minutes it took us to divide on that rather unnecessary challenge, caused by the chairman's inappropriate ruling in the first place. To respond to Mr. Stevenson's comments, I might point out that I do not believe that this motion is out of order. I do not believe that his point of order has any validity whatsoever.

He puts forward some arguments of why he believes that we should get on to clause by clause, arguments that I do not agree with whatsoever because the only people in this committee who are holding up clause by clause are the government members, by refusing to allow a couple of afternoons of deliberations with cabinet members giving testimony.

That is all we are requesting. We are not requesting anything outrageous, that this bill be held up for months. We are simply suggesting that the cabinet ministers who are going to have to deal with this legislation for months and years to follow should come before this committee before it gets through the committee, before it gets third reading and before it gets royal assent. We want to question them to see if they understand the full implications of Bill 179.

You can try to paint the picture that we are holding up Bill 179 but the reality is that the government is holding it up with its stupid stubbornness.

Mr. Mackenzie: I do not intend to string out this particular argument. It just seems to me that it is important.

We have been very clear that we intended to operate within the rules in this committee. We have also made it very clear, even if it has not yet sunk into some of the Tory members, that to us this is a fundamental fight we are involved in. Therefore, it is important also that ministers who may be involved appear before this committee.

Mr. Chairman: No, address yourself to this point of order. Thank you.

That being all of the comments, I rule that Mr. Cooke's subamendment is in order.

Mr. Cooke: I knew that you would see the light of day.

Mr. Chairman: No, I was prepared to rule that way right from the beginning.

Mr. Cooke: I realize that, but--

Mr. Chairman: But you strung it out a little.

Mr. Cooke: No we did not string it out. Mr. Stevenson

raised a rather ridiculous point of order and I think that it deserved to be commented on.

Mr. Stevenson: It is a matter of opinion who is being ridiculous, is it not?

Mr. Chairman: Carry on, Mr. Cooke. You have your subamendment. You would like to speak to that first?

5:40 p.m.

Mr. Cooke: Yes, Mr. Chairman. I should point out to Mr. Stevenson there are 500,000 people in this province who do not think the debate on this bill and the request for certain cabinet ministers to come before us is ridiculous.

Mr. Stevenson: I guess I could say there are a few taxpayers who do not think it is ridiculous.

Mr. Chairman: Carry on, Mr. Cooke, would you please, so that we can keep a little semblance of order here.

Mr. Cooke: I will be brief. I think that the request for the Attorney General to come before this committee is a rather obvious request. The Attorney General was very much involved with the Constitution of this country and the development of the Charter of Rights. This province said, time and time again, right from the beginning that they supported a Charter of Rights.

They said they wanted to have the basic rights of individuals in this country enshrined within the Constitution. Mr. Renwick has suggested at length and in second reading debate that in his opinion this bill offends sections of the Charter of Rights. I am not a lawyer but I think I have some understanding of what was referred to as natural justice within the second reading debate. I guess I am bragging when I say I am not a lawyer.

Mr. Elston: On a point of order, I rather think that because they have such limited interaction with the legal profession that these people should consider their words more carefully and consider their single member also as a member of--

Mr. Cooke: We now have two members in the committee who are lawyers.

Mr. Chairman: You are not being very sensitive to his feelings. Yes, I agree. Point well taken. Thank you.

Oh, yes there is a second one there. Yes, he is one. He never practices on the street, but I guess he has an LLB.

Mr. Wrye: This will get back to Bob very quickly.

Mr. Cassidy: I maintain that we should get an LLB after you spend 10 years in the Legislature.

Mr. Chairman: I do not think Mr. Renwick has one of those and I do not have one either.



Mr. Cooke: I think this request is a legitimate request and I think that we can get on with it rather quickly if this, along with some of the other amendments to the amendment that we have put forward are accepted. All it would take is Mr. Mitchell or Mr. Jones, Mr. Eves or even Mr. Piché saying to us when we are debating this motion that we have agreed to have the Attorney General along with the other cabinet ministers come before this committee for a couple of afternoons and then we can get on with clause by clause.

I guess I just attempt to appeal to the logic and sensibility of the three remaining Conservative members in this committee to approve this motion and give us an indication that they are willing to compromise.

Mr. Chairman: Thank you. Just in the nick of time, Mr. Cassidy.

Mr. Cassidy: With respect, I had my hand up before.

Mr. Chairman: Oh, did you? Sorry.

Mr. Cassidy: If a member of the government party wants to comment on this I have been involved in this before and if, in fact--

Mr. Chairman: No, you have priority. Your hand was up.

Mr. Cassidy: I just want to say that I know that when a bill of this order and this magnitude goes to government, among others things, the law officers of the crown, who are in the Attorney General's department, have a very major role in terms of reviewing it, or at least one would have thought they did until you read the bill and see the kind of provisions that are in it. That is part of the normal co-ordination which I believe is meant to take place within government. If it did not, then it would be news to me and certainly it would be something which the Legislature or this committee ought to be seized of.

I want to be specific about a number of issues which to me are very germane in this particular case and justify the committee doing what we normally do not do in the Legislature, which is calling in a minister other than the minister who has carriage of the bill. In the first place, this is a very major bill which, as my friend from Hamilton East has pointed out, is going to have an impact on half a million workers in Ontario for periods extending as long as three years and quite possibly further.

Should the government in its wisdom decide that one year is not enough, one assumes that the principles here would form the basis of any continuing legislation the extent of which is restraints and which is controls beyond the period that is put out in the bill. Now if on a major item like this the cabinet calls for special expertise from a number of different people in government--and I have to assume that the Ministry of Labour, the Civil Service Commission which comes under Management Board of Cabinet, and the Attorney General's department at the very least were intimately involved in the preparation and drafting of this



particular piece of legislation in addition to the Treasurer in whose name the bill stands.

When it is a major piece of legislation, it seems to me that we, in this committee or in a committee like this, should in fact look to those issues inasmuch as we can by talking to those particular ministers. The Treasurer, whatever his other capabilities, is not a lawyer. Although I was claiming a minute ago that perhaps you become one after you have had 10 years here--I guess he was part of the class of 1971 as well, so maybe he has had the 10 years--he is not a lawyer. Therefore, anything that he would give us with respect to the legal implications of this particular bill, would be second-hand. We would not be getting it directly from the people who were responsible and who in fact had played a part in drafting it and who played a part in the policy process which one assumes took place over the course of the summer when the bill was drafted. It seems to me that that is an imperfect thing when you have a bill with so many apparent loopholes and so many difficulties in it as Bill 179.

I want to ask, because I think it is a fundamental problem with the legislation, and I think that the Legislature should be seized of it, why the government has decided to simply throw out the window the provisions of the Statutory Powers Procedure Act which, as you recall, Mr. Chairman, was the act that came in in the wake of the McRuer commission, a three- or four-year, probably \$1-million study of civil rights in Ontario at that time. The province prided itself on being in the forefront in terms of its concern about civil rights being translated into a code of procedures which henceforth were to govern all exercise of statutory powers in the province.

That means that whether it is expropriations or whether it is the operation of the cemetery review board or the pregnant mare urine--or whatever they call that board, if it has not been eliminated yet--whatever agency of the government, whether large or small, there were going to be certain basic rules which it was deemed in the McRuer report and accepted at the time by the Legislature, were part of a system of natural justice. Now, if they were part of a system of natural justice for matters such as whether you should have an undertaker's licence, for matters such as appearances before the Ontario Securities Commission and for matters such as some of those very trivial and minor boards and commissions which Gordon Walker has been so eager to try and sunset or get rid of.

If the Statutory Powers Procedure Act was to apply in things that were small, then why should that not also apply to things that are major? What I fear is happening is that a major precedent is being set within the Legislature as a result of Bill 179, should it ever be passed, a major precedent which says that in future we are going to have civil rights and things that are not of consequence to the government, but we are not going to have civil rights on things that are of major and fundamental importance and that really affect people.

As you are aware, the immediate impact of the one-year wage freeze is to take \$1,000 or \$2,000 out of the pay packet for 1983

of many thousands of civil servants and people in the public service in Ontario the bill reaches because of the fact that it goes along with payments of government money.

I think it is probably hard to say exactly how far it reaches. If somebody running a private school, for example, is providing one place to a student who was financed under the vocational-rehabilitation services of the Ministry of Community and Social Services, does that mean that every employee of that particular agency is going to have to come under the nine and six?

Is that what is going to happen? I do not know, but if you think of how far this particular piece of law spreads, the implications could be quite frightening. It is certainly quite major. There again, that question about the boundaries within which the law is going to apply, it seems to me, is a very major one.

Normally, I think the principle that the law officers of the crown and the people who are responsible for the integrity of statute law in the province have tried to apply is that the laws should apply to a specific set of circumstances. It should be open to members of the public, within reason, without having to pay people like my friend Jim Renwick too much money, to be able to find out whether or not they are going to fall under the law or not.

5:50 p.m.

The definition should be sufficiently clear that people should be able to get some idea from a study of the statutes as to whether or not the law is going to apply to them. One of the reasons for setting boundaries like that is that if you don't do it then you have a law which is applied when people feel it should be applied and not applied when people feel it shouldn't be applied. The application of law then becomes more and more a thing of men rather than statutes.

As that is done, as people see that the agents of the law, whether they are officials of the Ministry of Consumer and Commercial Relations or the Attorney General or some other department, are applying it in an arbitrary or quixotic fashion, if that happens, then clearly you run the risk of disrespect for just not one particular law but for the body of statute law as a whole.

Once the law and the statutes of Ontario begin to lose their legitimacy in that particular way, then we are in a very serious problem because of the fact that we who are making laws are not in a position to enforce them and, for the most part, we depend on the laws having enough legitimacy that they are going to be followed on their own without having a great mechanism of enforcement. In other words, we expect a great deal of voluntary compliance.

I know that strays a bit, but if I can bring it back now to the particular question, is the Attorney General aware of the

dangers of disrespect for the law because of the fact that there are no firm boundaries around this particular legislation, Bill 179? Is the Attorney General aware of, and what kind of comments can he give us, what are the policy implications of not just a minor kind of a modification in the application of the Statutory Powers Procedure Act over a short period of time, but a major breach of the code of natural justice which was created by the McRuer commission and by the consequential legislation?

You are not entitled to a hearing and you are not entitled to have reasons for any judgement that is reached by the Inflation Restraint Board. Because you cannot have reasons, effectively there is no way that you can appeal to any kind of a higher body or go to the courts because they have no choice but to laugh you out because all they can show is that the restraint board was acting within its powers, wasn't required to give reasons, and therefore you can't tell if they were acting within their powers or not because they gave no reasons. There is no handle for the individual to get on that at all.

If people whose incomes are being restrained in a very major way, if people who may find they are under two years of restraint rather than one because of a judgement made by the Inflation Restraint Board, if people who find that they are under a difficult or unworkable contract find they cannot change that because of rulings of the Inflation Restraint Board, or if people are put in a situation where, without the right of review, without the right of due notice and all of the other kinds of protection that we thought would be provided, find a contract is now being imposed upon them by the Inflation Restraint Board, that is a pretty serious matter under the law.

Mr. Stokes: Before you hurt somebody with this whole process.

Mr. Chairman: Sir, you are a little out of order and you know better. You can castigate me at some other point.

Mr. Stokes: I think you are a disgrace to this whole process.

Mr. Chairman: Thank you very much.

Mr. Stokes: It is terrible, unbelievable.

Mr. Chairman: Mr. Cassidy, carry on.

Mr. Cassidy: Thank you, Mr. Chairman. I am raising that because I think that we in the Legislature, and that means all members, the Conservative members as well as Liberals and New Democrats, have a responsibility to try to protect the integrity of the statute law of Ontario. It seems to me that that is a major reason why it is important that the Attorney General should be brought before us, in order to find out why it was that the government in its wisdom has decided to ignore that law and simply throw it out the window, and also to find out what the implications will be in terms of the future.



I would also like to find out from the Attorney General whether anybody in his office has been considering the implications in terms of the future of labour law. We have already considered whether the Minister of Labour (Mr. Ramsay) should come. We have been told we can't do that. Is there anybody in the Ministry of the Attorney General who is concerned in a policy sense about the workability of labour relations law, again after the precedents which are set in Bill 179? I don't know, but I would like to find out.

I would like some of the questions which I was raising in the Legislature just a few days ago answered by the responsible minister, rather than just start having secondhand answers coming from some other official or coming from the minister turning around to his officials who had an interest in getting the bill through and probably were not in a position where they really cared particularly about the wider policy implications about bringing in Bill 179.

I could go on. I think some other members do want to comment on this particular section.

Mr. Chairman: Yes, Mr. Laughren does.

Mr. Cassidy: Okay. I say to the members of the government, in conclusion, that this is a frustrating process and it is not getting us anywhere. I would say to Mr. Brandt--I guess Mr. Mitchell is not here now--an outside observer might say we are wasting an awful lot of time, but the reason we are spending the time is that the government has irrationally dug its heels in and said: "No, you can't talk about the legal implications. No, you can't look at the labour relations implications. No, you can't talk with the people who actually played a part in drafting this legislation. We are going to offer it to you on a take-it-or-leave-it basis." That is not good enough.

Mr. Laughren: Mr. Chairman, this bill affects different people in different ways. Two ramifications of the bill really got to me. One was its effect on labour legislation, removing collective bargaining rights for people and how it is going to hold down the income of some of our lower paid civil servants.

The other aspect of the bill, of which I will speak now because it addresses itself to the motion that the Attorney General come before the committee, has to do with contract law. While, regretfully, I am not a lawyer, the fact is that--

Mr. Chairman: That's all right. Don't apologize.

Mr. Brandt: It could well be a blessing in disguise.

Mr. Laughren: I am trying to get back into Jim Renwick's good books.

Mr. Elston: You don't care about Bob Rae.

Mr. Laughren: It seems to me that the Attorney General should come before this committee and explain to us his views on



contract law. I would like to hear the Attorney General explain to us about the sanctity of contracts because of the contracts that have been signed by a large number of people who have been affected by this legislation, whose contracts will be invalidated by this legislation. I would like very much to hear the Attorney General tell us how, as the chief law officer of the crown, he views legislation that invalidates existing contracts.

Mr. Elston: Contract law comes under the auspices of Consumer and Commercial Relations.

Mr. Laughren: As the chief law officer of the crown, it would seem to me that Mr. McMurtry would have considerable interest in the rule of law in Ontario. I want to know from Mr. McMurtry what I should tell my constituents who come in to me and ask me about a problem in which they have signed a contract.

Mr. Jones: You told us.

Mr. Laughren: If I could respond to the interjection from the undersecretary of Treasury--I guess that is a phrase they use in the United States, I am sorry--when people come to me now, I would be interested in knowing if the Attorney General feels if I am right or not, whether I am doing an injustice to the system, when I tell my constituents that there is no reason why they should respect a contract they have signed when their government doesn't.

Is that being fair or is that counselling civil disobedience in Ontario? I would like to know what the Attorney General's views on that are because when people sign a contract, I have always felt that--

Mr. Elston: That's under criminal law and you're right. That does come under the auspices of the Attorney General.

Mr. Laughren: Yes, I am glad about that.

Mr. Wrye: You're back on track, yes. That is very good; you have worked your way back.

Mr. Laughren: It took some doing.

Mr. Piché: Mr. Chairman, since I have a lot of respect for the rules and regulations of this committee, and knowing that it is six o'clock, I would like to draw this to your attention.

Mr. Chairman: That is a point of order, is it, Mr. Piché?

Mr. Piché: It is a point of good intention.

Mr. Laughren: Does that take precedence over the fact that I am just getting warmed up?

Mr. Piché: You just want to cool it a little bit.

Mr. Chairman: Yes, I am afraid it does. The rest of us will reconvene at eight o'clock. You can stay, however, and stay warmed up until eight and we will be back.

The committee recessed at 6:01 p.m.



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Publications

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE  
INFLATION RESTRAINT ACT  
TUESDAY, NOVEMBER 16, 1982  
Evening sitting



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breithaupt, J. R. (Kitchener L)  
Cooke, D. S. (Windsor-Riverside NDP)  
Elston, M. J. (Huron-Bruce L)  
Eves, E. L. (Parry Sound PC)  
Mackenzie, R. W. (Hamilton East NDP)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Stevenson, K. R. (Durham-York PC)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitution:

Newman, B. (Windsor-Walkerville L) for Mr. Breithaupt

Also taking part:

Jones, T., Parliamentary Assistant to the Treasurer of Ontario and  
Minister of Economics (Mississauga North PC)  
Laughren, F. (Nickel Belt NDP)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Renwick, J. A. (Riverdale NDP)  
Swart, M. L. (Welland-Thorold NDP)

Clerk: Arnott, D.



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Tuesday, November 16, 1982

The committee resumed at 8:06 p.m. in room 151.

INFLATION RESTRAINT ACT  
(continued)

Resuming consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: Seeing a quorum in place, shall Mr. Laughren carry on? We were in the midst of his address. That should be interesting, especially if there are any motions or things made at that point. Carry on please, Mr. Laughren.

Mr. Laughren: Thank you, Mr. Chairman. Before I was interrupted by the supper hour, I was attempting to make the point that the Attorney General (Mr. McMurtry) is someone who should appear before this committee to put to rest the fears that many of us have about this legislation and what it says about contract law and the right of association in Ontario. I do not know how you can introduce legislation of this import without having the Attorney General come before the committee to discuss it with us. I felt that way about the Minister of Labour (Mr. Ramsay) and the Minister of Education (Miss Stephenson) coming before the committee and now I feel the same way about the Attorney General coming before the committee.

It is a remarkable thing for the government to introduce the most far-reaching legislation I have seen since I became a member. Now that has only been 11 years, but that is long enough to have seen a fair amount of legislation. I do not know of any legislation that has come before the chamber that is as important as this piece of legislation. If there has been, I would like to know what it was that so fundamentally affected the people in Ontario.

Mr. Jones: No argument on that. We probably agree.

Mr. Laughren: You probably would agree that is very important legislation. I am glad to hear the member for Mississauga North say that. If he agrees with that, then why does he disagree with us in our attempts to have the more senior ministers of the crown come before this committee?

Mr. Jones: There is no one more senior than the Treasurer unless you have--

Mr. Chairman: Gentlemen, order. Mr. Laughren, even though provocatively, has the floor.

Mr. Laughren: I am not being provocative. If the member for Mississauga North is implying that in the pecking order of the Tory caucus, the Provincial Secretary for Resources Development (Mr. Henderson) is on a par with the Attorney General, I would like to know that. I would like to hear the member say that.

Mr. Jones: The Provincial Secretary for Resources Development is a superminister. I have often said that.

Mr. Laughren: So he may even be higher on the pecking order than the Attorney General.

Mr. Jones: He was bigger or something like that.

Mr. Laughren: I see, yes. He makes bigger waves than the Attorney General. So the member for Mississauga North admits this is a very important, significant, landmark piece of legislation in Ontario.

Mr. Jones: The Treasurer said that in his comments in the House.

Mr. Laughren: So it must be true or so would reason the member for Mississauga North. To have that kind of legislation introduced by the member's own admission and then refuse to have the ministers who will have to live with that legislation come before the committee is beyond my comprehension. I don't understand that. I don't know why you feel the committee must be protected from hearing those members or ministers, or why the ministers must be protected from the committee.

I suppose there is a third possibility which I hate to attribute to the members because that would be attributing motives, namely, to protect the Conservative Party from some of the utterances that might come from those various ministers. Those are the three conclusions I draw when I watch the Conservative members vote against all our motions to have these ministers come before the committee.

Mr. Jones: I can assure you it is none of those.

Mr. Laughren: Well, I cannot think of any others.

Mr. Jones: We were explaining--

Mr. Laughren: No. I have been here a lot and I have not heard you explain that. Perhaps the member for Mississauga North could explain to me why that is the case.

Mr. Wrye: The explanation is from Mississauga South.

Mr. Laughren: Why is that?

Mr. Wrye: That is where the whip is from.

Mr. Jones: You see, you guys do not understand the process or the players.

Mr. Laughren: On one hand, the members of the government are complaining that this is dragging on too long and the next minute they stop any attempt we make to speed up the process and get on with the business of dealing with this bill. You are the people who are stopping us from getting on with this bill.

Mr. Jones: No. I understand it too. You people are filibustering.

Mr. Mackenzie: Can you not distinguish between filibuster and genuine disbelief in a piece of legislation?

Mr. Laughren: No. You don't know the difference.

Mr. Jones: We understand your concern. I just said we talked about the magnitude of the bill--

Mr. Chairman: Gentlemen, Mr. Laughren has the floor.

Mr. Laughren: Mr. Chairman, you stand between me and what is a frightening thought. The government members seem to understand that we are trying to get government before this committee because we do have been legislation of this nature before the house for many years. Yet even when the government says, "Well, that may be true. It is the significant landmark piece of legislation we have ever, but that doesn't mean that you can have the bill appear before the committee." Tell me how that works. Tell me where you are coming from in that kind of

You are calling for a specific minister to appear before the committee and you people are horsing around.

Mr. Laughren: We have not been unreasonable in our demands from the various ministers. We have not made up a list of names who are not relevant to this legislation. I am asking the government members, do they really believe that if we wish to have these ministers come before the committee, we wouldn't be satisfied? Is that what you are

Mr. Jones: Yes.

Mr. Laughren: Well, you are wrong. We would be quite comfortable with these procedural motions calling these ministers before the committee if you were to assure us that they would come before the committee.

Mr. Watson: But the rest of your friends are starting to say they can't get their back pay until this legislation is passed. They say why don't you people get this legislation through? We don't like it but at least we get our back pay.

Mr. Cooke: That's not what the public servants in Chatham tell me. I met with a lot of teachers from Chatham and they were upset--



Mr. Chairman: Order, gentlemen. Let us not solve Lambton and Kent county problems here. Mr. Laughren has the floor.

Mr. Laughren: Thank you. I am not the one who is being provocative here. My arguments are not provocative at all. If the member for Chatham-Kent (Mr. Watson) takes umbrage with what I am saying, let him enter the debate at the appropriate time. Put him down on the list in the debate.

I should like to hear from the government members who they think should appear before this committee. No one? I am sorry, perhaps there was one minister you wanted to appear before the committee, but it was of your own choice. It has nothing to do with the wishes of the committee.

The legislation is created by government members, right? You may say, "Well, we are just back-benchers." But it is your caucus that creates the legislation. Surely the committees are not your toy as well. Creating the bill was your toy, but debating the bill is not your toy.

Mr. Jones: It is not a toy.

Mr. Laughren: No, it sure isn't. But you are treating this committee as though you were in the smoke-filled back rooms of the Tory party in Ontario, deciding who is going to be heard, for your own reasons. It has nothing to do with the wishes of the committee. I do not know what you think committees are struck for, if it is not to hear and engage in debates and have ministers appear before them, as well as representatives of other parties interested in the problems.

You regard it as your own little plaything. That is one of the real problems of majority government. Understand that. It is not just the exercise of power that makes what you are engaged in so wrong.

Mr. Jones: It is the NDP playing cat-and-mouse with this.

Mr. Laughren: No.

Mr. Chairman: Order.

Mr. Laughren: It is fundamentally wrong.

Perhaps, when the member for Mississauga North gets into the debate, even legitimately, he could tell us what he thinks the opposition should do when there is legislation that comes before us that we find so very offensive, that runs counter to all the principles in which we have always believed, in collective bargaining and in equity.

It seems to me one of the purposes of the parliamentary process and having committees is to allow us to engage in that kind of debate. But you have decided there are only certain people that you will allow here to appear before this committee, for whatever reasons. I went through the three reasons I believed a few minutes ago, but you have decided that, to protect them--



Mr. Mitchell: With respect, you have decided the bill is not a good one and you are going to do everything you can in your power to block it.

Mr. Chairman: You will have your turn. Mr. Laughren has the floor.

Interjections.

Mr. Laughren: It is amazing the number of government members who are going to speak on this.

Mr. Chairman: Mr. Laughren, please carry on.

Mr. Laughren: I shall not respond to interjections, but I shall anticipate what some of the government members might say when they get on the list.

If you think we are doing everything we can to block the bill, yes, I suppose you are right. But let me tell you something. We are trying to have people appear before the committee that we think should legitimately be before us. If we were asking for every civil servant in the Ministry of Education, every senior civil servant in the Ministry of the Attorney General, you could say to us, "I think you people are filibustering." We are not.

Interjections.

Mr. Laughren: As we have been bringing forth these motions and debating them, if the government members had said, "Now there is someone that it makes sense to have before the committee," if you were standing back and looking down on the process here, would you really think it was unreasonable that the opposition would want the Minister of Labour, for example, to come before the committee? Would you really think that? Can you honestly say that?

Mr. Jones: You were concerned with expertise. It was confirmed that the deputy minister of that ministry does have it.

Mr. Laughren: Why would you even want to put the deputy minister up there when it is the minister that deals with policy? Why would you even want to? Is that fair? We would not feel that he was responsible for giving the answers to the kinds of questions we want to ask. That is not the responsibility of the deputy minister. Have him here too, have them--

Mr. Jones: He was involved in preparing the bill and is answerable for policy. He answered through the process of cabinet and through caucus.

Mr. Laughren: Then let them sit up there, side by side, cheek by jowl and respond to our questions.

Mr. Jones: Do you think the Minister of Labour is going to get up and disagree with the bill?

Mr. Laughren: I shall ask you very seriously. If you were standing back and looking at this committee, would you think it unreasonable for us to request the ministers we have requested to come before this committee? Do you really mean that? If you were standing back and not in a highly partisan position, would you think it unreasonable for the opposition to ask these key ministers to come before this committee?

Mr. Jones: I would start to wonder about Sally Barnes and even the Attorney General and Mr. McCague and--

Interjection: That is a vote bell.

Mr. Chairman: We are recessing at 8:20 p.m., to reconvene after the vote in the House. Mr. Laughren will have the floor.

The committee recessed at 8:21 p.m.

9:07 p.m.

Mr. Chairman: Mr. Laughren, you have the floor. We are reconvening at 9:07 p.m.

Mr. Cooke: I think it is 9:08 p.m.

Mr. Chairman: I'm sorry, I didn't hear you, Mr. Cooke. I'm having quite a bit of hearing trouble today. Mr. Laughren, carry on please.

Mr. Laughren: Mr. Chairman, you cannot intimidate me by telling me the time when you ask me to speak. I would just conclude my remarks by saying that the events of the last moment up in the chamber perhaps shed a little light on why the Conservative members don't want the Attorney General to appear before the committee. You may recall the member for Riverdale (Mr. Renwick) raising a point of privilege and perhaps that kind of performance of the Attorney General is what the members fear if he were to appear before this committee. The more I think about it and go through the list of ministers that have been invited but rejected by the Conservative members, the more I really do come to the conclusion that they are worried about what they are going to say or how they are going to perform before the committee.

Mr. Wrye: After the performance of the Minister of Consumer and Commercial Relations (Mr. Elgie) today, I would be a little worried they may withdraw him too.

Mr. Laughren: Yes. It's not just a question of principle of labour legislation. Generally speaking, the Attorney General defends all government actions, even his own. It seems to me that the only concern they might have about the Attorney General is the question of the principle of law and that he might have difficulty dealing with that before the committee. I would ask the government members to reconsider and to cast aside the ideological blinders and the straitjacket that ties them into their caucus and

allow this committee to function with some degree of independence so that we can get some idea from the relevant ministers as to what they see as being the ramifications of this legislation.

Mr. Renwick: First of all, I would ask the clerk if he would be good enough to distribute this to my colleagues on the committee.

Mr. Elston: Is this a hand-out?

Mr. Renwick: Every session I want to hand out something. Perhaps the relevance of it is not immediately apparent. I'm hopeful in the course of these proceedings perhaps to have a photographic reproduction of the latest--

Mr. Elston: You're going to read it, are you?

Mr. Renwick: Oh, yes, because it is particularly appropriate to what my friend the member for Nickel Belt (Mr. Laughren) has just said both on this occasion and on the other occasion. Perhaps what the members of the committee have been getting very clearly before them is the importance of the concept of contracts.

I happened in the esoteric reading which I sometimes do to find this quotation, a little apologue of Montesquieu concerning the Troglodytes inserted in the Lettres Persanes: "The Troglodytes were a people who systematically violated their contracts and so perished utterly." I thought, therefore, that I should put before the committee this definition from the Shorter Oxford English Dictionary of 1973.

Mr. Piché: Mr. Chairman, on a point of order: It is obvious to me, as a member of this committee, that we are repeating ourselves.

Mr. Laughren: You have heard this before, René? I thought it was quite unique.

Mr. Piché: Four or five times. It is obvious that there is a filibuster going on with the NDP--or NPDP, whether you are French or English--in this committee and it is now a mockery of this committee. As a member on the government side, I am here to do a job and it is obvious that I cannot do that job because of what is happening. I feel that we had a lot of discussion on the amendment to the amendment and I would request, Mr. Chairman, that the question now be put.

Mr. Chairman: You cannot--

Mr. Piché: I am requesting that the question now be put.

Mr. Cooke: You cannot move a motion on a point of order. I was told that this afternoon.

Mr. Chairman: You cannot move a motion on a point of order or a point of privilege. That's the rule.



Mr. Piché: Okay. I will pull back on that and as a member request that the question now be put.

Mr. Chairman: I'm sorry, Mr. Piché. The only way you could get the floor from Mr. Renwick was on a point of order or point of privilege which must be dealt with immediately. You can't put a motion or an amendment on a point of order or point of privilege. When you get the floor, you can then put whatever motion you wish. However, you can't put that motion--

Mr. Piché: Yes, I can.

Mr. Chairman: You can't put that motion on a point of order at this time, I'm sorry.

Mr. Cooke: Challenge the chair.

Mr. Piché: I ask that the honourable member give me the floor. Is that possible?

Mr. Swart: Possible, but not likely.

Mr. Renwick: You have put me, Mr. Piché, in a very difficult position. There are many occasions when as a matter of courtesy I would yield the floor.

Mr. Piché: I am asking you so we can protect this committee and protect ourselves from what is happening right now. We know it has turned out to be a big joke. I think you will agree with me on that. I am requesting that you forfeit the floor to me so I can put this question through.

Mr. Renwick: Much as I would like to oblige you, Mr. Piché, there is no way I can yield the floor to you. I have a number of matters of great importance to put before the committee in the course of the motion which is before us and, with great respect, I intend to put them.

Mr. Laughren: Point of privilege.

Mr. Chairman: You have a point of privilege?

Mr. Piché: Just a minute. I still have the floor.

Mr. Chairman: No, Mr. Piché, you had a point of order. You can't put that point of order at this point. That point of order is over with and I have to deal with Mr. Laughren's point of privilege.

Mr. Laughren: I'm not trying to interrupt Mr. Piché, but if he's through---and I seek your guidance on this---was he not attributing motives to us when he stated that we were engaging in a joke and a filibuster?

Mr. Chairman: That is no point of privilege.

Interjections.



Mr. Mackenzie: The only joke in this room is Mr. Piché with this kind of a remark.

Mr. Chairman: Mr. Mackenzie, you are getting close to a--

Mr. Piché: You are a disaster to your party and you are a disaster to the Legislature. If I were you, sir, I would not say any more.

Interjections.

Mr. Piché: I'm looking to other members of your party and I'm looking to you, too, that we have to follow up with this big joke that's going on here.

Mr. Laughren: It's not a joke.

Interjections.

Mr. Piché: That is your job, and I will not sit here and listen to what--

Mr. Chairman: Order.

Interjections.

Mr. Chairman: Mr. Piché and Mr. Mackenzie, Mr. Renwick has the floor.

Mr. Piché: Call him Mackenzie.

Mr. Mackenzie: We don't have to put up with this crap.

Mr. Chairman: Order.

Mr. Piché: I never said that. Point of privilege. Mr. Mackenzie, when I talk to you I respect you. I never said crap. I never said that word. Why do you use that? I will never use that against you. You have your rights and I have my rights, but I'll never use crap or words like that to you, sir.

Mr. Mackenzie: But you impugn motives.

Interjections.

Mr. Chairman: Order.

Mr. Swart: Throw him out.

Mr. Piché: Yes, throw him out. Thank you very much.

Mr. Chairman: Order.

Mr. Piché: No. I will not vote for order because it's a big joke. I can't accept that. It's a joke; we know that. How long do you want to go? I can go on and on. I can fall asleep here while they speak and all that. They are repeating and repeating.

Mr. Chairman: Order. I'll put you on the list, Mr. Piché, and you can have your say at that point.

Mr. Piché: Thank you very much. I will be back.

Mr. Renwick: Mr. Chairman, I did want to return just briefly to this--

Mr. Piché: I'm talking here because I've been sent here as a member of this government to deal with a very important matter, but we're dealing with--

Mr. Chairman: Mr. Piché--

Mr. Piché: I will not use the language. He may hope that I have gone berserk.

Mr. Swart: I don't know if that's parliamentary, Mr. Chairman.

Interjections.

Mr. Chairman: I have ruled Mr. Piché out of order. However, his comments have some ring of truth to them in that we are dealing with a subamendment as to the Attorney General. Conglomerates or whatever the definition is that is coming up--

Mr. Renwick: Troglodytes.

Mr. Chairman: --is some idea that I hope you will be rounding out and tying in with the Attorney General very quickly. Otherwise, it will be a breach of order too.

Mr. Swart: You could see he was leading right into it.

9:20 p.m.

Mr. Renwick: I am sorry to have precipitated that kind of crisis. I was referring to a quotation by Montesquieu which stated that the Troglodytes were a people who systematically violated their contracts and so perished utterly. When I saw the quotation I thought I would be interested in what a troglodyte was. There are a number of definitions. The one I have selected is number three, "a person who lives in seclusion, one unacquainted with the ways of the world." If I can pronounce the next definition, "troglodytic," I would like to speak for a few minutes to this troglodytic bill.

Mr. Chairman: No, sir. You are speaking to the subamendment.

Mr. Renwick: To the subamendment.

Mr. Chairman: Which is the Attorney General.

Mr. Renwick: With respect to the Attorney General appearing before this committee to deal with this troglodytic bill. Is that all right?

Mr. Chairman: That's satisfactory.

Interjection: That's a lawyer stretching it.

Mr. Chairman: He can use whatever adjectives he wishes so long as he stays on the subamendment.

Mr. Renwick: I thought it was parliamentary.

I feel it essential for the Attorney General to appear before the committee for a number of reasons. I put in the Legislature the specific overall legal concerns I had with respect to the bill. Later on in my remarks I want to ask the committee to seriously consider those concerns. I would not be here supporting this subamendment this evening if the Attorney General had participated in the debate in the assembly on second reading to respond to very proper questions which I put to him in my capacity as Justice critic for the New Democratic Party with respect to this bill, its legality and its constitutionality, and to have had the benefit of his participation.

He didn't choose to do so. I said then and I say it now to the members of the committee, if the Attorney General cannot justify this bill in a legal sense before this House and its committees, then he will never be able to justify it in a court of law and he is going to have to justify it in a court of law.

I restricted myself in the assembly on October 5 to two or three major themes with respect to the legality and the constitutionality of it, but there are a number of other legal matters which I have to deal with, which must be dealt with, that illustrate very clearly the reasons why the Attorney General of this province should appear before the committee in order to respond to them. They do not all fall under one convenient rubric.

The one I want to immediately address is the question which was raised by my colleague the member for Hamilton East (Mr. Mackenzie), and the concerns which I also expressed with respect to the question of bias. I cannot ask the Attorney General what he advised the cabinet on the matters which are before us, what his advice was. I certainly can ask the Attorney General whether or not he gave any consideration in his role as senior law officer of the province, as chief law officer of the province, with respect to questions of bias in the selection of the person to be chairman of the Inflation Restraint Board in this bill.

I want to take a few minutes of the committee's time to get across to them what I mean by bias. This in no way is a matter of my castigating the selection by the government of Mr. J. L. Biddell to be chairman of the Inflation Restraint Board. We have tried in this committee and we lost the motion to have him come before this committee so that we could question him with respect to his bias. I am using that term, not in a pejorative sense, but in the way in which it is used, that is, what are his biases with respect to the role he would have to play under part II of Bill 179, dealing with public sector compensation restraint?



I am not at this time talking about his role under other parts of the bill. I am talking about his role with respect to public sector compensation restraint, which is the substantial part of the bill and for which there is no accountable minister. I do not want to raise again and to repeat constantly that while you can look at part III, where there is a responsible minister and it has been agreed that he will appear before the committee when we are dealing with that part, under part II there is no responsible minister of the crown.

I made the point before that to say that the Treasurer has the carriage of this bill is irrelevant when the only place in which you find the Treasurer's name is near the end of the bill when he is to get a copy of the annual report made by the board. That is the only reference. Whatever justification the government may have about the Treasurer's carriage of the bill, it does not speak to the kinds of concerns we have about no minister being accountable with respect to part II of the bill.

The accountable person is the chairman of the Inflation Restraint Board. I, sir, am entitled to find out from the Attorney General whether, in giving his advice--not what the advice was; I have no right to know what advice he gave to the cabinet in his position as chief law officer for the crown, nor what discussions took place within the cabinet as a participant in that cabinet--he addressed his mind to the concerns about the question of bias.

I wish we had all of the statements, quite appropriate statements, made by Mr. Biddell in the last four or five years. It is quite proper that a person of his knowledge and experience of the Anti-Inflation Board, in his concern generally about the state of the economy, with his experience, should make whatever statements he wishes to. He has a right to comment about it, and God bless him for doing so.

All I am saying is that when the article which was referred to as appearing as far back as 1975--there are others, and when I have time in the life of this assembly I will try to get a rundown of all the public statements which have been made by Mr. Biddell on the question--I had very serious concerns with respect to part II of the bill, in which he is the only person in charge. There is no minister of the crown in charge or responsible for part II.

Mr. Biddell stated: "Now the levers of power are in the hands of the managers of our huge multinational corporations, the leaders of our giant labour unions and the bureaucrats who run our massive interventionist-minded government. Each of these three groups has a natural tendency to contribute to inflation and a natural inclination to blame the result on the other two. Union leaders are in the business of making ever-larger wage demands."

I am not going to read the rest of the article or go on at any great length. He comes to the concluding part of his remarks, "What should we do therefore to meet this issue?" Item 3 of his list of things which should be done is, "encourage company and regionally oriented unions."



I think it is appropriate and extremely important for me to be able to discuss, converse, speak to and ask questions of the Attorney General when, as recently as 1978, there was the decision of the Supreme Court of Canada at the time when Mr. Crowe, who was then chairman of the National Energy Board, was disqualified on the grounds of bias by a decision of that court.

9:30 p.m.

I want it understood that the kind of bias I am talking about is not the pejorative sense of the word. It is a question which is legitimately looked into and considered when you are trying to determine whether or not a person who is the chairman of an administrative tribunal established by statute, who has certain quasi-judicial and other functions to perform, will be able to discharge those functions impartially and in adherence to the principles of natural justice.

I do not know whether you do recall the case. It had considerable notoriety in the newspapers at the time. The decision of the Supreme Court of Canada was on a split 5-4 basis, but it resulted in the federal appeal court being overruled and Mr. Crowe disqualified from performing his functions because of bias. I think that a number of the comments made by the Chief Justice in that case are not only important but appropriate to illustrate the kinds of concerns which we here have with respect to bias.

My first question--and I have not raised this matter in a legal context until this evening because one does not have an opportunity to raise every conceivable important matter that is before one--was specifically whether the chairman of the National Energy Board could sit on a particular hearing where a decision had to be made about matters of concern to the applicants because of his prior associations and his prior roles performed at that time.

Very briefly, Mr. Marshall Crowe had been part of a study group dealing with a Canadian Arctic Gas study some years ago. He then became the chairman of the National Energy Board. As a passing remark, the operations of the National Energy Board have always been of interest to me because in the strange world in which I once lived, first in the late part of the 1950s, I was retained by the then chairman of the royal commission dealing with that matter to prepare the first draft of the National Energy Board Act of Canada, and the substance of it is the bill which is presently in force. It was an interesting operation. So I have naturally been interested over the years about matters that have come before it.

The Supreme Court of Canada has some very interesting things to say about this question. It was, first of all, clearly pointed out that the only issue in the case is whether the principle of reasonable apprehension or reasonable likelihood of bias applies to the board--that is, to Mr. Crowe--in respect of hearings under section 44 of the National Energy Board Act. If it does apply, and this was accepted by all the respondents before the court, then on the facts herein he can see no answer to the position of the appellants, namely, that Mr. Crowe should be disqualified.

Chief Justice Laskin then goes on to say: "Before setting out the basis of this conclusion, I wish to reiterate what was said in the federal Court of Appeal and freely conceded by the appellants, namely, that no question of personal or financial or proprietary interest such as to give rise to an allegation of actual bias is raised against Mr. Crowe. The federal Court of Appeal founded its conclusion against disqualification on the following statement of principle:

"It is true that all of the circumstances of the case, including the decisions in which Mr. Crowe participated as a member of the study group, might give rise in a very sensitive or scrupulous conscience to the uneasy suspicion that he might be unconsciously biased and therefore should not serve, but that is not, we think, the test to apply. It is rather what would an informed person dealing with the matter realistically and practically, and having thought the matter through, conclude? Would he think that it is more likely than not that Mr. Crowe, whether consciously or unconsciously, would not decide fairly?"

Then the federal Court of Appeal went on to its conclusion: "On the totality of the facts which have been described only in skeletal form, we are all of the opinion that they should not cause reasonable and right-minded persons to have a reasonable apprehension of bias on the part of Mr. Crowe, either on the question of whether present or future public convenience and necessity required a pipeline or the question of which, if any, of the several applicants should be granted a certificate."

That was the decision of the federal appeal court. The Chief Justice of the Supreme Court of Canada then went on then at some considerable length to review the whole aspect of this matter and came to some very good conclusions, in my judgement.

He said: "I come then to the question whether the federal Court of Appeal's negative answer, that is, that Mr. Crowe should not be disqualified to the question propounded to it, is supportable. I have already indicated that that court--"

Mr. Mitchell: I have a point of order.

Perhaps the honourable member might clarify for me, because I apologize that I was out for a moment, perhaps he might indicate to me, because I may have missed it, how the particular comments that he is making at this time refer to the amendment to the amendment that we are dealing with. I apologize. I may well have missed the target.

Mr. Renwick: You need not apologize, and I am glad you asked it. I do not mind interruptions to ask questions. After all, it is a committee and there should be a little bit of give and take in order to clarify the points which concern me.

The question I specifically want to address to the Attorney General is: Did he consider the elements of bias as the chief law officer of the crown in so far as any consideration that he may

have given to the government of this province? I have no right to know what his advice was. Did he direct his attention to the question of bias in any recommendations that he may have made to the cabinet or to the Premier (Mr. Davis) with respect to the selection of Mr. Biddell as the chairman of the Inflation Restraint Board?

I should like to know the answer to that question. If he did, I would like to understand the basis on which he directed his attention, not whatever advice he gave, but simply, did he consider the matter at all? That is an unanswered question.

I want to conclude this particular comment. I know that for many of the members it is irritating to be faced with the legalisms. But I do not think that we, as the assembly where the law and politics meet, as in this kind of case, can afford to be irritated in trying to understand some very difficult questions which arise. It is only with that in view that I want to try, in my own way, to express a concern I have.

9:40 p.m.

The Chief Justice said: "I come then to the question whether the federal Court of Appeal's negative answer"--and their negative answer was no, Mr. Crowe was not disqualified by reason of bias from sitting as chairperson of the National Energy Board--"and the question was is it supportable. I have already indicated that that court introduced considerations into its test of reasonable apprehension of bias which should not be part of its measure.

"When the concern is as here, that there be no pre-judgement of issues, and certainly no pre-determination relating not only to whether a particular application for a pipeline will succeed, but also to whether any pipeline will be approved, the participation of Mr. Crowe in the discussions leading to the application made by Canadian Arctic Gas Pipeline Ltd. for a certificate of public convenience and necessity, in my opinion, cannot but give rise to a reasonable apprehension which reasonably well-informed persons could properly have of a biased appraisal and judgement of the issues to be determined on a section 44 application.

"This court, in fixing on the test of reasonable apprehension of bias"--and he refers to two cases--"was merely restating what Mr. Justice Rand said in another case"--and so on--"in speaking of the 'probability or reasoned suspicion of biased appraisal and judgement, unintended though it be.' This test is grounded in a firm concern that there be no lack of public confidence in the impartiality of adjudicative agencies, and I think that emphasis is lent in this concern in the present case by the fact that the National Energy Board is enjoined to have regard for the public interest.

"For these reasons the appeal is allowed, the question submitted to the federal court is answered in the affirmative," which meant that Mr. Crowe was disqualified from chairing the National Energy Board.



I want to say to the members of this committee it is a legitimate concern of, I believe, each member of this committee, certainly the members of the committee representing the New Democratic Party, that we have simply got to be satisfied that the Attorney General of this province directed his attention to the principle set out in this case and that he drew to the attention of the government his concerns with respect to the appointment.

I am not asking him to tell us what he said, but I need to know that and I have to know it because I have to be satisfied, and the public has to be satisfied, certainly the public sector has to be satisfied, that any decisions made under part II of this bill, that is, the compensation restraint portions of the bill, are made by a person who can stand the test of bias.

I want to say very clearly I do not know what is down the road with respect to this bill and with respect to challenges, but I can certainly say that if I were acting for any public sector union or for any public sector employee on a matter which fell to be determined by Mr. Biddell under part II of this bill, I would be seriously concerned to study this matter in the light of the comments of Mr. Biddell on matters related to trade union activity, to determine whether or not it would be appropriate to go before the court on a question of whether or not there was bias because, if there is bias, there cannot be adherence to the principles of natural justice. It is just that simple.

I do not want for one single moment to think that I am only quoting a majority decision of the Supreme Court of Canada that happens to be the guiding judgement. Nor do I pretend to know all of the fine differences of distinction between that view and the dissenting view of the other four judges on the court who, if one were to read it perhaps in a nonlegal way and without having studied it, one would say: "I wonder what the difference between the two views of the court was. Why did they disqualify him on the one hand while four justices believed that he not need to be disqualified in this matter?"

From our point of view, that is one of the matters that would be essential to discuss with the Attorney General when he comes before the committee. We lost the motion with respect to Mr. Biddell coming before the committee, so we could question him objectively, as mature people, about that question of bias. We wanted to find out whether or not he would meet the test which is required, that is, the probability or reasoned suspicion or biased appraisal and judgement, unintended though it be.

We believe it is essential that the test is grounded, as the Chief Justice said, "in a firm concern that there be no lack of public confidence in the impartiality of adjudicative agencies. I think that emphasis is lent to this concern in the present case," and so on and so forth.

That is exactly the point. I hope I have expressed it clearly. I hope the members of the government party and the members of the Liberal Party understand our concern. I would hope it would lead the members of the committee, if on no other



ground--I have a number of other matters I have to deal with in speaking to this subamendment--to say, "Yes, we should have the Attorney General here to speak with respect to that matter."

I commend to anybody who wishes to go through the case, or to anybody who wishes to read the summation at the front of the case, to consider it. I do not know whether it is appropriate, but I do not see any reason why the summary of the case should not be made available to all the members of the committee so they could understand the point to which our concern is addressed.

I want the committee to understand it is of the utmost concern to us because, once that chairman is appointed under part II and Mr. Biddell starts to act, there is going to be no recourse. There is no minister of the crown accountable under part II. The closest we could get in what we have been trying to do over many days now is to get an agreement or a commitment--we didn't give a damn what the government tried to do about it--that we would have the Deputy Minister of Labour.

That is the closest we got. I don't know what the numbers are, but when you consider the public sector through the unions which fall under the jurisdiction of the Ministry of Labour, compared to those that fall under the jurisdiction of the Chairman of Management Board and those that fall under the jurisdiction of the Minister of Education of this province, then you can recognize how little impact we have been able to make against the resistance we are meeting in this committee to our very legitimate and proper concerns.

I want you to understand it. There is some rumour around the world that, somehow or other, we are game-playing. I defy anybody to read the proceedings of this committee and say that. I want people to understand that we are playing for keeps. I think that is a colloquial term that most people will understand. We are playing for keeps. We want answers to these questions. They are legitimate, appropriate, proper and right and we should ask them. I apologize to the chair for the digression as I leave that one particular point.

That question of bias is one which will haunt this legislation--if it is passed--forever because we have not dealt with it. You must reverse your view to allow Mr. Biddell to come before us, and you must also pass this subamendment to this motion that the Attorney General come before us. Then he can tell us whether or not he directed his mind to that kind of question in giving advice, as he must in his role as chief law officer of the crown, to the government of this province, as well as being a participant, as Attorney General, in the cabinet. Anybody knowledgeable about the Attorney General's position will understand the distinction I made with respect to it.

9:50 p.m.

To anybody who is interested, I want to refer again, not at any length, to volume 1 in report number 1 of the Royal Commission Inquiry into Civil Rights, commonly known as the McRuer report. Page 252 states its comments with regard to bias.

Let me come to my next point. Does this committee understand what they have done in this bill? Fortunately, it is not legislative counsel who exercise qualitative judgements on these matters. They only carry out instructions and produce the bills which the government requires. I would be surprised if members of the legislative counsel staff, concerned and knowledgeable about the process which we are going through, did not have some very serious concerns.

Let me tell you what they have done. This is the second point I want to raise before the Attorney General. I am not going to quote it verbatim. I quoted it verbatim in the Legislature and it will be dealt with when we come, if we ever do, to the clause-by-clause provisions of the bill. The point is the provisions of the bill which provide specifically, under part I, the power of the board and the discretion it has with respect to holding hearings and whether or not the Statutory Powers Procedure Act applies and whether or not reasons will be given. Again, nobody needs to read the report of the royal commission; all one has to do is read the index to chapters to get some sense of what former Chief Justice McRuer was trying to do with respect to civil rights and natural justice in this province.

Do you know what we are doing? I am going to want to ask the Attorney General whether he considers it an abuse of the courts if we pass this bill. Under part II--I am talking about part II and these comments may be equally applicable to part III, but I am talking about part II--in the quasi-judicial role the chairman of the Inflation Restraint Board will perform with respect to public sector compensation restraint, the board may "in its discretion, where it considers it desirable to do so, hold a hearing and, where the board does so, the Statutory Powers Procedure Act applies, except that, whether or not the board holds a hearing, the board is not required to give reasons for any final order, decision or determination made by it but, notwithstanding the Statutory Powers Procedure Act, or any other rule of law, the board is not required to hold any hearing before making any order, decision or determination that it is authorized to make."

We know, and the members of this committee know, that the courts give reasons for their decisions. Courts do have public hearings on matters which are before them. The processes of the courts for the purpose of the enforcement of their judgements are after the processes of adjudication have taken place in the court system.

What does this bill say? After the chairman of the Inflation Restraint Board exercises that kind of arbitrary power with respect to hearings and reasons and what the kind and nature of the order would be, how do you think those rules and orders are enforced? under part II? This is part II, the quasi-judicial function. This isn't the administrative function with a recommendation power to the Minister of Consumer and Commercial Relations under part III; this is a quasi-judicial function. That means it is an administrative board that exercises judicial functions between the interests of parties.

Let me take the case where the board has issued an order and has not held a hearing or given any reasons for its decision. What can they do? "A copy of the order of the board, certified by a member of the board, may be filed in the office of the registrar of the Supreme Court by the board," etc. If it is for the payment of the money, "It may be enforced at the instance of the board, in the name of the board, in the same manner as a judgement of that court; in all other cases, by an application by the board, to the court, for such order as the court may consider just."

Mr. Elston: You are confusing us all by reading the section.

Mr. Renwick: I'm sure that is right. Well, I can understand that. Legislative counsel, this is a masterful bill that confuses anybody who tries to read it.

What does that say in English? It says the chairman of the Inflation Restraint Board can issue an order, without holding a hearing or giving any reasons at all, and file it with the registrar of the court. He can bring the whole process of the execution of the court orders into play.

Do you know what disobedience to the order of a court is? That's contempt of court. What is the punishment in this province for contempt of court? Jail. That's what it is. That's where trade union leaders go for contempt of court.

Let me tell you a little bit of history. When they brought the education relations act or the Hospital Labour Disputes Arbitration Act--one or other of those bills--into the House, they provided for penalties for failure to comply with the bill's provisions. The government brought it in. I wish I had kept my mouth shut. I pointed out that they did not have that power because it meant that if there was an offence under that act, an information would have to be laid. There would have had to have been a trial in court before the fine or punishment could have been awarded under that act. I pointed out that they couldn't do it that way. As I say, I wish I had kept my mouth shut, because what did they do? They withdrew that particular version of the bill, reintroduced another one and introduced this provision. They made the courts privy to their conspiracy to enforce their law.

Do you know what happens to hospital workers now? A breach of the Hospital Labour Disputes Arbitration Act does not provide that an information is laid and the person is charged and goes before the court in the ordinary processes of the court. The judgement is filed in court. Breach of an injunction is sought by the Attorney General and the court has no leeway. If the facts are proved, the court is only a rubber-stamp--I use it with no disrespect. That's the end of it. A disobedience to that order is contempt of court. It brings upon the person the opprobrium of the whole community as a lawless person who is in contempt of the courts of this province and he goes to jail.



I don't know whether I've overstated my point. I want to ask the Attorney General, in all honesty as chief law officer of the crown of this province, whether anybody can establish a board under a statute of this province which abolishes the Statutory Powers Procedure Act, where, if the board decides to abolish it, it is entirely in its discretion? I'm not going to repeat that clause. Then it says that when the order is issued, they can file it in the court and the processes of the court take place--the very court that we rely on to have public hearings with evidence taken and both sides heard; decisions are then made and the enforcement procedure.

10 p.m.

I call it an abuse of the process of the court. I would like to ask the Attorney General whether he considers it an abuse of the process of the court and I would like to have his answer to that question. I think it is absolutely essential. I think it is absolutely wrong for the Hospital Labour Disputes Arbitration Act to transfer the responsibility through to the court and send people to jail for contempt of court.

I think the procedure is wrong. Even if you accept the proposition that hospital workers should not strike, that is not the way in which it should be done. You don't do that for people who speed in automobiles. You don't say you will simply clock the person in, file the order of some motor vehicle accident board as that in the court and have the matter enforced without any proper hearings.

Mr. Elston: That is virtually the case. You can have a hearing, but you cannot fight against the radar thing.

Mr. Renwick: That may well be. Those are somewhat different questions that are of concern. That is the second question I wanted to put to the Attorney General if he had stood in his place in the House and responded, or given some indication that he will come before the assembly and defend the provisions of this bill and allow us to ask him the questions which are involved, because he cannot escape responsibility for this bill.

Every lawyer in the service of Ontario, if he is not in the Ministry of the Attorney General, is seconded from the Ministry of the Attorney General and is responsible to him. That is a very clear principle and very well understood.

Mr. Jones: The member brought up an important point. The lawyers on the Treasury staff assisted in the preparation of the bill from the Attorney General's office and members from the crown office attended while that whole legislation was being drafted. The Attorney General's staff considers the bill entirely legal and was part of that process. I keep hearing that the reason you wish him here is to ask him whether he is aware of some of the ramifications of the bill. I hope you are not suggesting that he is not familiar with the details of the bill and that his people would not have been part of that process.



Mr. Renwick: I do not know how the relations are. I assume the chief law officer of the crown is aware of what is in this bill. Any person who is the Attorney General of this province who had a piece of legislation come before the assembly without knowing what it is about, whether it was because he had the utmost confidence in the particular lawyers and the degree and importance of the bill, could simply say: "well, I will back up the people whom I know. I don't intend to be consulted on everything."

I am making no suggestion to the parliamentary assistant that the Attorney General does not know about this bill. That is precisely the reason we want him to come before the committee, so we can ask him what the peregrinations and the wanderings of his mind were when he accepted the provisions in this bill in light of some of the concerns we have.

The third point I want to bring to the attention of the Attorney General is what is happening. It has been coming more and more to our attention--again, Mr. Chairman, I don't handle paper terribly well--that somehow or other the processes of arbitration and the other processes with respect to all of the collective agreements and all of the employment contracts that are affected by this bill have come to a halt.

There are no arbitration boards being appointed now. I pointed out in the assembly the importance of the arbitration process, both in those situations in which there is a right to strike and no right to strike. That is the clause which is included in all of the bills about the process of binding arbitration within the framework of the agreements, as well as the process of arbitration for those members of the public sector who do not have the opportunity to go on strike because of the law and have to resort to compulsory binding arbitration.

I pointed those things out in the bill. Do you understand that those processes have come to a halt? That is the indication we have. We have an indication that the Minister of Labour (Mr. Ramsay) has informed people that delay does not mean that he is denying that he will appoint. He is trying to say, well, there is no point in appointing.

I know that people will consider that I am engaged in some kind of a filibuster if I ask for time to find a particular piece of paper and I know that Mr. Piché would extend me the courtesy of a few minutes with respect to the matter.

Mr. Piché: I think I speak for the government members when I say--would Mr. Jones agree with that?--there is a filibuster going on. There is a man behind me, I will not name him, but he is not doing the right thing because there is a filibuster going on. I mean, are we hypocrites or not? I do not mind if that is the name of the game or your filibuster, then continue.

Interjection: Are you in your seat?

Mr. Piché: He is not even on his seat here so--

Mr. Wrye: I have decided this one is comfortable.

Mr. Piché: Do not tell me this is a filibuster now. This has gone beyond reason.

Mr. Chairman: Mr. Renwick has found his papers.

Mr. Renwick: I not talking about who the parties are. I am quite certain that these are standard responses that are being made with respect to the grinding to a halt of all the normal processes on the assumption that this bill is going to pass. So those things are not happening. The law of this province and the collective agreement provisions with respect to arbitration are not taking place.

I emphasize, again, there is no minister of the crown under part II responsible for part II of the bill. The ministers of the crown are simply saying that they will not appoint. The kind of language which is used--this is a letter to the Minister of Labour: "And it has come to the attention that as Minister of Labour you have given instructions that there will be no further appointments of chairmen for arbitration boards, under"--such and such and so and so.

Mr. Brandt: Who is that letter from?

Mr. Renwick: If you do not mind, I would rather not disclose that. I would be happy to speak to you privately, sir, about who it is from. It is illustrative of what is taking place at all levels.

We have other letters with respect to the same kinds of problems under this bill. The Minister of Labour replies as follows: "The purpose of this letter is to accurately state for you my position in respect to the exercise of ministerial powers of appointment with respect to arbitration proceedings."

There is this paragraph, "I would seriously question the utility of pursuing a dispute to arbitration at a time when the Legislature may render any resulting award void. For this reason, I have deferred acting upon requests to appoint arbitration board members until the bill has been expressed in its final form. I believe my position is prudent in the circumstances and not in conflict with my responsibilities. It is important to distinguish between a deferral and a refusal to exercise a statutory power. There has been no refusal on my part today." While procrastination is the thief of time, justice delayed is justice something else, whatever those are.

10:10 p.m.

"I just want to say that there is a process of delay at all levels with respect to the ordinary processes which should be taking place under arbitrations. Fortunately, there has come to our attention no situation as yet in which a matter presently before an arbitral commission is being purposely delayed or that they have adjourned it pending the passage of this bill.

I trust that the Minister of Labour would take my advice and not try that with respect to matters presently under arbitration, and there are a large number of them, as I understand it.

Mr. Elston: You are suggesting that arbitration is the natural order of events. Is that what you are saying?

Mr. Renwick: I am saying that under every collective agreement that I know of, as I pointed out in the House, there is a provision for arbitration with respect to disputes during the lifetime of an agreement and there are a number of matters under that. In addition to that, there are arbitration boards appointed for those unions which are denied the right to strike.

Mr. Elston: And you agree with that principle.

Mr. Renwick: I don't--it all depends--I--

Mr. Piché: We understand, we'll answer, we understand.

Mr. Brandt: How about arbitration, but not necessarily arbitration?

Mr. Renwick: I am always surprised at how easily I can get derailed by an irrelevant comment.

Yes, I am in favour of compulsory arbitration for the police. I am in favour of compulsory arbitration for the firefighters. I am not in favour of compulsory arbitration for the hospital workers of this province. My position is perfectly clear; it has been available for a long time.

Mr. Brandt: You don't see that as an essential service where there could be conceivable a question of life or death?

Mr. Renwick: I certainly agree that areas of it may be an essential service. There are all sorts of very fine distinctions that have to be made with respect to what are and what are not essential services and how that is dealt with. I do not accept the general principle that what other people think are essential carries my particular judgement of essentiality.

Mr. Elston: Essential services might have to be legislated back to work, à la Saskatchewan.

Mr. Renwick: Or à la anybody, I don't know--Allah be praised.

Mr. Brandt: Just for my information, what government was in power at that particular time?

Mr. Renwick: I don't recall. Can you remember?

Mr. Brandt: I have one of those flighty date memories. I can't recall what party happened to be in power at that time. That's why I was asking my colleague from the Liberal Party.



Mr. Renwick: I wouldn't be surprised if it was the New Democratic Party. I think it was the New Democratic Party.

Mr. Chairman: All right, gentlemen.

Mr. Brandt: Would you let the record show that Mr. Renwick has answered my question?

Mr. Chairman: I am sure the record will show lots of things. Order.

Mr. Brandt: We all like the principle of this discussion.

Mr. Renwick: It is also factually true that they lost an election shortly after that.

Mr. Chairman: Order.

Mr. Renwick: I don't know whether that's a causal connection or not.

Mr. Chairman: Meanwhile back on the subamendment.

Mr. Renwick: My third point was that I would want to ask the Attorney General, the chief law officer of the crown, whether or not he supports the position taken by the Minister of Labour and others with respect to that question of, not refusing to appoint but deferring the appointment pending something called the passage of this legislation.

I am always interested in legal matters and it is the same question we had before us as to whether or not the sales tax was legally exigible--if that is the right term--before the legislation was passed by the assembly. Do you recall that? We had that same point up in the House. It is as clear as the writing on the wall that Nebuchadnezzar saw, it is as clear as that, that until the law is passed it is illegal to collect the tax.

I happen to have the case here. It is Bowles versus the Bank of England in 1912, which went to the House of Lords in England and said that very clearly. I want to ask the Attorney General what is his position? Should the processes be deferred pending the passage of this legislation? Should Bill 127, which is wending its weary way through the processes of the committee of the whole House, have an amendment before us which says subject to this Inflation Restraint Act a particular provision of the bill will go, when that act doesn't even come into force?

I don't understand the way in which the Attorney General thinks about these kinds of questions. I want to ask him, I want to inquire with him, I want to engage in friendly discourse on matters of mutual concern about the law of the province.

The third point that I want to make is if he believes, as I believe, that this is the law of Ontario, as well as the law of England, and I won't take very much time on it. This was a question of whether or not the Bank of England could collect a tax simply because a resolution had been introduced by the Chancellor of the Exchequer in the House of Commons.



They proceeded to collect the tax. They proceeded to collect it, they proceeded to say, "Yes, we are going to collect it." Fortunately, a chap took the matter to court. The English people perhaps are a little more interested in protection of their rights than we here in Canada have become, but when the matter went on, if I can sort of find the particular quotation about it--

The House of Lords goes through the whole of that question--states the question, raises a new one which never came before the courts, and so on and so forth--goes on to point out that it is the custom of the executive government to attempt to impose and collect the taxes during that period, and then goes on to say:

"The position seems to be correctly stated. The practice attacked is a fairly convenient one when the government is prepared to pass the bill"--and I want to emphasize this to the Attorney General if he is here--"but it becomes inconvenient when the bill is long postponed and there may be a change of government before the bill becomes a statute."

I want to say, and I want to try to make it clear to the members of the committee--I don't have very much attention at this hour of the night, either from my own colleagues or from the others--to say the least, this practice "becomes inconvenient when the bill is long postponed and there may be a change of government before the bill becomes a statute."

Let me say, as I have tried again to convey to the members of the government party in particular, that this bill is going to be long postponed and I want to ask the Attorney General whether it is his decision, whether he has given advice to the other ministers of the crown that they should or should not defer the appointment of the arbitration board pending the passage of this bill.

I think that is the third and absolutely essential point on which I should have the opportunity to discuss with the Attorney General.

Mr. Jones: Would it be unreasonable for the minister to reply in that way in that letter, given that the bill had been introduced and is working its way through this process?

10:20 p.m.

Mr. Mackenzie: You will probably have 100 key cases before long that will have ramifications for years down the road as well, decisions that are just being put on the back burner deliberately.

Mr. Renwick: I am not questioning the reasonableness of what is or is not done. I believe that when there is a collective agreement, or when there is a statutory provision that requires an arbitration board to be appointed, and a minister of the crown has a responsibility to do so, then he should proceed in the ordinary normal course of events to appoint that arbitration board. They

should proceed with their work, just as if this bill were not before the assembly. The consequences will be no more difficult or no more awkward than they will be by this process of deferring those arbitrations.

I cannot believe that a minister of the crown should not carry out the statutory responsibilities which he has, in all convenient speed. That is all we are saying. This minister of the crown and the other ministers of the crown--I assume on the advice of the Attorney General of this province, if not, I would like to ask him about it--have taken it upon themselves to defer appointments which are required, either by agreement or by statute. They are failing to exercise their statutory authority and it is no excuse to say it won't be long before this bill is going to be passed.

Well, it will be a long time. What is long to some people is not long to other people, but we have been going now--what is it?--56 days on this bill. We are determined, strictly in accordance with the procedural rules of this assembly, to continue to put our case because we are getting absolutely no co-operation from the government. Look at the record of the past few days with respect to the motions and argument we put. You talk about a government that believes this bill is one which should be dealt with promptly and efficiently and should be over and done with.

Let somebody else in the course of history--if they are ever interested in the proceedings of this committee--decide at what point the government will agree to see some reason and provide the answers to all of the questions we have asked and have the grace and the courtesy to withdraw this iniquitous bill.

Mr. Chairman: Thank you.

Mr. Renwick: Mr. Chairman, I have not completed my remarks. I have got a number of other matters. My only concern is that there is no point in launching into another particular area for only three or four minutes and then have to recap it as different members of the government appear to sit on this committee when we resume again at 10 o'clock tomorrow morning.

Mr. Chairman: Perhaps you should carry on as if you had hours to go.

Mr. Elston: Why don't you just summarize the points you have made so far today?

Mr. Renwick: I can do that in a few minutes.

Mr. Elston: Perhaps you could summarize the rest of your points and table a report.

Mr. Renwick: I am indebted to a former colleague of mine--some of the members in the room didn't have the privilege of being associated with him--my great and good friend and former colleague in the assembly, Patrick Lawlor, who gave to me *Law in Modern Society*, subtitled *Toward a Criticism of Social Theory* by Roberto Mangabeira Unger. It is a fascinating book.

There is a note at the beginning of the book for those who are interested in pursuing these works. This study builds upon a previous book of his, Knowledge and Politics, published by the Free Press in 1975. To make the present work intelligible to readers unfamiliar with Knowledge and Politics, it was necessary in some cases to restate ideas developed in the earlier book. I know that the chairman, student as he is of these matters, will be most anxious to get the earlier volume as well as this one.

Let me quote, if I may, from page 52. He refers to three concepts of law, and I am going to skip the first two and come to the more modern one, which says: "There is the third and still narrower concept of law. It may be called the legal order or legal system. Law, as legal order, is committed to being general and autonomous as well as public and positive."

As you can imagine, sir, Mr. Unger spends a considerable amount of time explaining what he means by the words "general" and "autonomous" and the words "public" and "positive." But let me get to this distinction which he makes. Ah, the Treasurer (Mr. F. S. Miller) has arrived. He is most welcome. Did you have a message for us, sir?

Let me perhaps just read this one particular sentence or two sentences. "But a legal order differs from politics and administration--" May I have the attention of the committee please, Mr. Chairman?

Mr. Piché: Point of order. Who is the next speaker after the honourable--

Mr. Chairman: Mr. Mackenzie.

Mr. Piché: So there is no way that I will be speaking tonight to move my motion.

Mr. Mackenzie: If you think I'm going to give up my place for you--

Mr. Chairman: There are three minutes left.

Mr. Piché: What you are telling me, Mr. Chairman, is that there is no chance that I will be involved and put the motion that I want to put through so we can go on and vote?

Mr. Chairman: After Mr. Renwick we have Mr. Mackenzie, then Elston, Wrye, Jones and Piché.

Mr. Piché: I'm sure Mr. Renwick is going to clear the clock right now and, believe me, in exactly two minutes and 50 seconds I will bring the clock to your attention. That you can count on.

Mr. Chairman: Mr. Piché, you are out of order. Mr. Renwick has the floor.



Mr. Renwick: I will be pursuing this tomorrow, but I would like to leave this more formal. Mr. Unger says: "But a legal order differs from politics and administration precisely because of its attachments to the aims of generality in legislation and uniformity of adjudication. The laws are expected to address broadly defined categories of individuals and acts and to be applied without personal or class favoritism."

Then he goes on, "Whereas generality can never be more than a matter of expediency in bureaucratic law, it acquires special significance in the context of the legal system, for it is the generality of law that establishes the formal equality of the citizens and thereby shields them from the arbitrary tutelage of government. Administration must be separated from legislation to ensure generality. Adjudication must be distinguished from administration to safeguard uniformity."

"These two contrasts represent the core of the rule of law ideal. Through them the legal system is supposed to become the balance wheel of social organization. Thus regulatory law persists in the liberal state in the form of policy decisions or administrative commands. These decisions or commands may be limited in scope by the legal order, but they are not themselves administered by specialized legal institutions or developed and applied within a framework of distinctively legal doctrine. On the contrary, the agencies responsible for making and applying them are part of the general administrative or political staff of the state and the logic by which they are justified and criticized is drawn from the available funds of modes of political argument."

Sir, this fascinating study goes on under many topics, subtopics and subheadings and there is only one further statement, which I would like to make before the clock runs and, if not, I will then have to do it first thing in the morning.

Mr. Piché: I'm sorry, you are not going to make it. With all due respect to you, sir--and you know I have a lot of respect for you--I am very strong on rules and regulations of the Legislature and the clock is at 10:30 p.m. and that is it.

Mr. Chairman: Fine, the clock showing 10:30 p.m., we are adjourned until 10 o'clock tomorrow morning.

The committee adjourned at 10:31 p.m.



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE  
INFLATION RESTRAINT ACT  
WEDNESDAY, NOVEMBER 17, 1982  
Morning sitting



The second point I raised was the arrogance, or the abuse inherent in the bill. The process of the judicial system is an honoured one designed to provide for open public hearings and the adjudication of disputes between citizens, or the resolution of conflicts between citizens and the state. It is a tradition that we believe is an inherent and important part of the democracy in which we happen to live.

This bill contains the provision in subsection 3(4) which denies the very principles of natural justice which are the foundation of our legal system. Under part II, it also permits any member of the board to make whatever orders that section would permit, regardless of whether there were any adherence to the principles of natural justice. To me, that is an abuse of the courts and a matter which I would like to have an opportunity to discuss with the Attorney General.

The third matter which I raised was the intent of those responsible for the appointment of arbitrators to defer the appointment of arbitrators on some theory that, pending the passage of this legislation, it would be a waste of time. I am asked to say that is reasonable. It is not reasonable; it is not proper. Whether one can bring to bear on it some specious idea that it may have some administrative reasonableness does not appeal to me when we are speaking of basic legal rights of people in contracts. That was my third point.

10:20 a.m.

I now want to move onto some other matters which are of equal concern to us. With respect to the deferral of the procedures, I referred to the English case of Bowles versus the Bank of England. That reference is available to anyone who may be interested in the points I made on that question. Until there is a law of this assembly, nothing should interfere with the normal processes established in existing contracts which are as yet inviolate.

I emphasize that "as yet inviolate." Those processes of those contracts and those collective agreements and those arrangements have to be honoured and must be honoured if we are to pay any attention to the sanctity of the basic principles of our law, namely, the law of contract.

It is interesting. Very few people who are not lawyers may be aware of this particular book, but it is part of the essential background of the jurisprudence of anyone who presumes to practise law to read Sir Henry Maine's Ancient Law, which was published in the last century. I am not going to read any extended quotations from that book. I want to read only one single part of a sentence: "we may say that the movement of the progressive societies has hitherto been a movement from status to contract."

When you think a little bit about exactly what that statement means you will realize that in a static society everyone had his place and station, and that is where you spent your life and your being. It was only when freedom and liberty became an essential part of our world that relationships between persons

moved from being dealt with by way of status, where you were told where you were, to whatever arrangements you could make in a collective sense with respect to your future.

Contract is not a single, all-embracing simple term. It embraces many kinds of contracts, such as contracts for the sale of goods and contracts for the sale of land ultimately ending up in conveyances. But there is a single and complete area or subdivision of contract law which relates to the movement of people from a role of slavery, serfdom, status, whatever you want to call it, to the position of free agents bargaining singly or collectively for the best arrangements which can be made.

For us in this society to give primacy and create for certain types of contract an untouchability and yet to believe for one moment that this other major kind of contract is a touchable contract which can be capriciously interfered with at the whim of the state is abhorrent to me. I want that to be very clearly understood, because that is the kind of matter I want to raise with the Attorney General.

It is the old question: do you respect people or do you respect property? Where is the balance? Where does it work? Do you give some sanctity to contracts related to the sale of land and the sale of goods and no sanctity to the contracts related to the employment and service of people in the service of other people? It is an ancient question: where is the balance?

In the last few days in this assembly we have seen a pretty good example of where this government believes the sanctity lies, on the question of property and not on that of contracts of people. It will be most interesting when the resolution of the member for Waterloo North (Mr. Epp) comes forward in the assembly on that question of the sanctity of property over the rights of individuals. We're talking about the rights of individuals, contracts of employment and collective contracts of employment.

I have a further item, sir, if I could draw the attention of the committee to the elaborate peremptory process by which part II is to be carried out, the administrative efficiency at the expense of justice, which is inherent in part II, including, as I have referred, to the questions of enforcement. Then if you look at what is supposed to be another major part of this bill, the administered prices part, you'll find nothing about enforcement. You find a slow, lazy process by which in some way down the line certain price increases may possibly be subject to some consideration by somebody, which may lead to some kind of order.

Where is the sense of balance involved in it? I could have well understood if the government had said that so far as the administered prices are concerned, we will have a prices board and Mr. Biddell will be chairman of the prices board. I don't have a great deal of problem with that. You have to select someone, and he is as good as anyone in that particular area.

To then say that a man without any experience in the field of compensation contracts should be also the chairman of something called an Inflation Restraint Board which is to deal with public



sector compensation restraints is to set aside all of the people who are experts or able or competent in that particular field, to set aside a whole tradition of collective bargaining, which I do not believe Mr. Biddell has any competence to deal with.

Again, I would like to raise with the Attorney General that kind of question with respect to enforceability. Why, with respect to prices, have a slow, lazy, sloppy process by which if, ands, buts and maybes there may possibly be some effect on prices, but when it comes to public sector compensation, sharp, abrupt, Draconian, immediate decisions to break those contracts?

I want to discuss that with the Attorney General. I want to know how he could have allowed a bill like that without protest to come forward in the assembly, without dissociating himself from the concepts which are involved in it.

I have another point, and this is somewhat repetitious, but I must make it in relation to the Attorney General simply because there is some mistaken view around in the corridors with respect to the gossip of the Progressive Conservative Party that somehow or other what we are doing by asking ministers to come before us is not part of the parliamentary tradition. We have made the basic fundamental part with respect to part II that there is no minister responsible, there is no minister answerable, there is no one responsible.

The chairman of the Inflation Restraint Board is not a minister of the crown. He is not the person who is responsible to anybody. He doesn't simply make recommendations to some minister of the crown. He doesn't exercise his quasi-judicial and adjudicative functions in some way under the responsibility of a minister of the crown answerable to the assembly.

To whom would we address any question with respect to part II of this bill during question period or in estimates? Who falls to be called the administrator without making a farce of the term? The answer we get is that it is the Treasurer (Mr. F. S. Miller).

I say to you, I've read the bill. I've read it again and again and there's only one reference to the Treasurer, apart from having his name on the back of it, and that is that he is to receive a copy of the annual report. You tell us, or I hear the gossip in the corridor, that somehow or other the bill is quite in order and that we are offending the parliamentary tradition by asking for ministers of the crown to come and assume some responsibility and some accountability with respect to it.

10:30 a.m.

I could go on quoting portions of the Royal Commission Inquiry into Civil Rights. If the members would take the trouble of reading one or two of the sections of volume 1, report number 1, Inquiry into Civil Rights, by Chief Justice McRuer, I would think they would begin to shudder a little bit about what the government is trying to do. Read, for example, the basic concepts and constitutional principles. Read, for example, statutory powers, administrative and judicial powers of decision, nature and



scope of the power, procedural requirements, control of the courts of the exercise and so on, statutory powers. I'm not going to read one. We all know that the Legislature, apart from the constitutional limitations on it within its frame of reference, and apart from the Charter of Rights, is all-powerful.

The citizens of this province have three lines of defence. The first one has proved to be a mirage, that is, the government of the province. That defence has been demolished. We must fall back on to the next defence, which is the Legislative Assembly. The only place that defence can be mounted is either in the Legislative Assembly chamber or in the committee of the whole House. The third defence--and I hope we are never forced to assert that defence--would be in the courts. I hope that would finally hold. If one could analogize to the advance of the German armies into Russia, the first line of defence collapsed, the second line of defence collapsed, and the third held. I happen to believe that maybe the third line will hold.

I appeal to the sense of justice, the sense of fairness, the innate sense of individual members of this assembly. Is this assembly going to be allowed to be a party to this distortion of the process that we live by and which we believe in. I want to have an opportunity to talk to the Attorney General about that kind of concept.

Let me just, if I may, read one part if I can find it, about the power of the Legislature. It is extremely well expressed by Mr. Justice McRuer. Mr. Chairman, I had it a short time ago. Oh, dear, what you people put me through.

Let me say to you, I do not doubt that apart from the division of powers and apart from the Charter of Rights within the limitations of the authority that this Legislative Assembly is all-powerful, just as it was in the time of Henry VIII. Let me just read this to you. I am quoting Mr. Justice McRuer on page 21, chapter 1. The heading is Legislative Power in an Actual Legal System.

"In our hypothetical legal system we assume that legislative power is confined to a legislature's statements of general rules of law to be applied by hypothetical facts. Legislative power is exercised in this way in our legal system, but does not exhaust the modes of exercising legislative power. Legislative power may be exercised not only to make general rules"--which is what we believe in, and that's my interpolation--"but to prescribe specifically as a matter of policy particular rights or liberties to which persons are entitled or legal penalties to which they are subject.

"A statute of Henry VII is an historic instance of specific legislation. It provided: 'It is ordained and enacted by the authority of this present parliament that the said Richard Rose shall be therefore boiled to death without any advantage of his clergy.'"

I referred to this bill yesterday as the troglodytic bill. I refer to it now as the Richard Rose bill, because what, of course,

is happening is you have singled out a particular sector of society and you are punishing them in order to advantage other areas of the society. It is a punishment. It is equivalent to a boiling to death without the benefit of clergy.

I am not given very much to reading at length from these esoteric books that my friend Lawlor gives to me from time to time, but I do want to say, if I can simply reach it--

Mr. Chairman: Mr. Renwick, I think maybe it is appropriate for me, although I have not been following every word of your dissertation, to really not wonder if you aren't getting a piece away from the subamendment at hand when we're boiling people without benefit of clergy.

Mr. Renwick: You obviously weren't listening, sir. The point I make is that instead of passing general rules of general application into society, in accordance with what Henry VIII did they've singled out a particular sector of society to pass a law which punishes them. The point I was making is that I don't doubt that the Legislative Assembly can do that. I'm calling upon the Attorney General (Mr. McMurtry) to say to me that is fair in our society. Is he, the chief law officer of the crown, interested in justice? Is he going to be a party to that kind of bill?

I want to move on to review in a very brief way the remarks which I made in the assembly and to emphasize to this committee the sense of parliamentary affront that I feel that the Attorney General of Ontario didn't deign to enter into the debate in the assembly on second reading of the bill. I never take particular personal offence in this kind of world, but in the Thespian society in which we live here where everyone acts out, I am quite prepared to say that I feel it is an affront to the assembly, an affront to the members who are interested in these kinds of questions, that the Attorney General with lordly disdain removed himself from any participation in the bill.

Let me just go on. I'm quoting from the book by Mr. Unger to which I referred last night, Roberto Mangabeira Unger, Law in Modern Society: "A liberal society is one in which there is a structure of group and specifically of class domination, a structure not sufficiently stable and comprehensive to win the spontaneous allegiance of its members. The social hierarchy is too volatile and uncertain, too open to changes of rank, too vulnerable to political attack to be accepted as part of the natural order of things. Thus, paradoxically, the weaker the structure of domination becomes, the stronger the felt need to justify and to limit what remains of it."

If you interpret for a liberal society the word Ontario society, you find that Ontario society is one in which there is a structure of groups and specifically of class domination, a structure not sufficiently stable and comprehensive to win the spontaneous allegiance of its members, which is illustrated, of course, by the election in 1981 and the number of votes cast for each of the political parties, let alone the number of voters who abstained from participating in that election.

The Ontario hierarchy, in which I refer to the Progressive Conservative Party of this province, is too vulnerable to political attack to be accepted as part of the natural order of things. Thus, paradoxically, the weaker the structure of Tory domination becomes, the stronger their need is felt to justify and to limit what remains of it.

10:40 a.m.

Your government, disguised as some kind of general principle of parliamentary law, is asserting a class domination over another class of society by this bill. I want to talk to the Attorney General and ask him to explain to me why, in a democratic society in which everybody is individual and equal before the law, why it is that class legislation of this kind would be introduced into the assembly.

I say it advisedly. It is directed to the public sector but everyone knows that it is a threat to the working people of this province, the employed people of this province, the people who do not exercise management control, do not exercise policy decision control, whatever way you want to designate them. It is, of course, fortunate for this society that the leadership of the trade union movement, on behalf not only of those collectively engaged in and members of the trade union movement but on behalf of all the unorganized and individually employed people who will be desperately hurt by this bill, knows that this piece of class legislation, disguised before us as some beneficial piece of economic legerdemain that is going to solve the economic problems of all, is nothing but a reassertion of class domination.

The Premier (Mr. Davis) says he never likes to talk about power. Only we talk about power.

You never talk about power if you have power. You always diminish the use of it, and he hangs his head and says how sad he is that he has to pass this bill and how reluctant it has been. It is always surprising to me the degree of hypocrisy that the dominant class can bring to bear when they are punishing the class which is not dominant, the subordinate classes of society. They always have the crocodile tears to support their view. I want to talk to the Attorney General about the class nature of this legislation and what that does to the individual rights of individual persons in this society.

Those are matters, sir, of what could be called general concern to be addressed to the Attorney General. I happen to believe that the Attorney General should be here for the very specific, detailed, itemized, clause by clause discussion of this bill or a representative of his, the Deputy Attorney General, someone who can speak to the legal implications of what is here.

Can you imagine how ridiculous it is, in the light of what I have said about the nature of this bill, for this committee not to have an opportunity to discuss with the chief law officer of the crown those basic fundamental questions which I have raised prior to the clause by clause discussion? We would compound it even more if we were to proceed into a clause by clause discussion without



the benefit of one of the most senior law officers of the crown, if it were not appropriate for the chief officer himself to be in attendance during clause by clause.

I would accept the Deputy Attorney General during the clause by clause discussion about these matters. I might even go further down the rung and accept an Assistant Deputy Attorney General. It would be very interesting, as a matter of fact, if Mr. Rendall Dick, the present Deputy Attorney General, was here. He would be an ideal person to have before this committee.

I am a friend of Rendall Dick and I was writing to him just recently and of course when he moved back from Treasury to the Attorney General's ministry I welcomed him back to the role in which I first knew him. He was Deputy Attorney General, then he was Deputy Treasurer of the province for a long period of time and then he was Deputy Attorney General.

His whole adult life has been in the public service of Ontario. He is leaving the public service to accept an appointment at the law society in February. It would be most interesting and valuable, and I would say absolutely essential, that a man with that background and experience were available to this committee. Where else would we find a person where law and economics, law and money matters, law and the implications of this bill would be best focused for a discussion by this committee than with the Deputy Attorney General?

It may well be that it would be a very useful further subamendment for us to move that the Deputy Attorney General were to come before the committee. He is uniquely qualified, plus the fact he is leaving the public service and he would be able to speak with an open mind about what he basically feels about this kind of legislation--not in any sense of disloyalty to his employers, he has proved his loyalty long gone since. He is a man whose judgement could be respected and listened to and with whom myself and Mr. Spensieri, who happen to be lawyers, perhaps the chairman himself, Mr. Eves, and the other members of the committee who don't happen to be as intensely interested in legal matters, would have an opportunity to talk.

We would benefit from the nonlawyer members of the committee talking to the Deputy Attorney General from his vast experience of long years under perhaps two or three Treasurers, as Deputy Treasurer of the province and Deputy Minister of Economics for the province. I think it would be most valuable.

Perhaps we could, by unanimous consent now, agree that he should come before us. We would not need a motion for that and I don't think it would disrupt the procedures of the committee. I certainly don't hear any objections, so perhaps we could record that the committee has agreed by a consensus of silence to have Mr. Rendall Dick as--

Mr. Jones: No, the committee, Mr. Renwick, is intently listening to your comments.



Mr. Renwick: I gather there is an objection. I thought for a moment we had a consensus.

Mr. Jones: I completely concur with you on your comments about the high quality of Rendall Dick, now he represents that mixture of economics and law as it exists in the government. We have no doubt had the benefit of that through other--

Mr. Cooke: Are you agreeing to unanimous consent?

Mr. Jones: Oh, I wasn't saying that.

Mr. Mackenzie: Maybe we have that agreement, Mr. Chairman. I don't know whether it takes a point of order but is there agreement of the committee that Mr. Rendall Dick appear before the committee?

Mr. Chairman: Mr. Renwick still has the floor and maybe he could ask that question as part of his comments. I cannot really recognize you, except on some point of order.

Oh, no, Mr. Mackenzie, you are the next speaker, so when Mr. Renwick is finished you might then lead off if you wish in connection with the Attorney General and the subamendment at hand. Are you through, Mr. Renwick?

Mr. Renwick: No, Mr. Chairman. I don't intend to go on at any much greater length. I want to try to draw to the attention of the committee, as I was unable to draw to the attention of the Legislative Assembly when I spoke, that is in the sense that I provoked any response other than another one of the Attorney General's outside-of-the-chamber comments that it was quite interesting, but it was all balderdash or some such interesting remark about the submissions which I made.

He didn't say it was balderdash, but what he meant was that it was not deserving of any serious consideration by anyone. In my parliamentary capacity I feel a sense of personal affront which I am sure I will survive over the course of time.

I raised in the assembly on October 5, during the course of my remarks about this bill, my fundamental basic concerns about its constitutionality. Those are matters which can only be addressed by the chief law officer of the crown, the Attorney General of Ontario. I don't know what's in his black book. I don't know what's in the black book of the Minister of Justice of Canada and I don't know what is in the black book of the Attorney General of Manitoba about what their interpretations are. It is certain that the Attorney General of Ontario played a significant, upfront role with respect to all of the negotiations which led to the Charter of Rights, which is now part of the Constitution of Canada.

10:50 a.m.

I cannot conceive, that when a question is raised that there is by this act a very serious basic, fundamental question with respect to the breach of the constitution of the country,

specifically with respect to the fundamental freedom of association, when that question is raised in the assembly as a constitutional matter, for the Attorney General not to deign even to reply seems to me to be an affront to the assembly and to this committee. There has been nothing forthcoming about the response which was made.

I want to say to the committee that I raise this with this committee, and I will raise it again and I will continue to raise it throughout the time I am in the assembly, that in my submission, in my argument, my feeling, my instincts, not on behalf of some client--I don't have any client on whose behalf I speak--but from a profound conviction of my own and shared in a wide degree by my colleagues in the party because freedom of association in many respects is intimately and basically the fundamental right of people with relation to the trade union movement.

The Charter of Rights states everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association. When you are talking about a charter of rights and a question is raised with respect to one of those fundamental freedoms, then I do not believe that it is possible that this Legislative Assembly, through its committees, is not legitimately entitled to have, and must have, and would be failing in its duty not to have, the Attorney General of the province here before us.

That would be so whether it is 10 generations down the line and the Charter of Rights is not a document in which the then Attorney General participated. But when you add to that that the Attorney General played a leading role in the way in which this Charter of Rights came into being, then it seems to me to be doubly proper and correct that the Attorney General should appear before this committee to discuss it.

There are two points with respect to the interpretation of that charter. One is whether or not there was any invocation in this Bill 179 of the so-called "notwithstanding" clause, to which I understand, and I will never understand it, we are indebted, if I could use that term in a sarcastic way, to Professor Weiler. I cannot understand why that is in, but sufficient to say that this bill does not invoke the "notwithstanding" clause of the Constitution. That is perfectly clear.

If it did, it would be deliberately disowning the word of the Premier that this would not be invoked in Ontario, and it would give the lie to his words that it is his personal wish that the "notwithstanding" clause did not apply to fundamental freedoms, and that he hoped that in due course the "notwithstanding" clause would not apply to the fundamental freedoms.

So it is not in the bill. So what are we left with? We are left with the very first paragraph, and the fundamental freedoms are in the second paragraph, so the first is very important. It

says, "The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it."

If it stopped there, we would have a guarantee which was far superior to any power of legislation that this government or this Legislative Assembly might have, and the citizen would be protected by that guarantee. They put in, nowever, and probably quite properly, some kind of clause. They said "subject only to such reasonable limitations prescribed by law as can be demonstrably justified in a free and democratic society."

It seems to me, and I would like to ask the Attorney General because I cannot believe that it is open to argument, discussion or question, that when it says "subject only to such reasonable limitations prescribed by law as can be demonstrably justified in a free and democratic society," that if this is the representative institution of that free and democratic society which passes the laws, which sets those reasonable limitations on those fundamental freedoms, they must therefore be demonstrably justified to that assembly, to the committee of the assembly.

Over the doldrums of this Legislative Assembly, this inert body that we participate in as the representative institution of the free and democratic society, I tried to say, in a clarion call to the Attorney General of Ontario, "If you cannot demonstrably justify this bill as a reasonable limit prescribed by law in a free and democratic society, if you cannot justify it demonstrably--that is show it to us--if you can't do that in this assembly, then you can't do it in a court of law."

I believe, if one were to sit on a court where a matter such as this came forward, I would say to the Attorney General when he stood in his place to argue in favour of this law, "Did you demonstrably justify this legislation in the Legislative Assembly of Ontario in which you are the minister of the crown accountable to that assembly?"

If he said, "No," then I would, as a member of that court, simply say that the bill was unconstitutional; that it is a prerequisite of an argument in the courts that the Attorney General, who is responsible for the protection of all of the rights of individuals that are guaranteed here, must stand in his place in the assembly and make his arguments for the bill and show that they are the kind of reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

If he does not do it in the assembly, he should be prohibited from doing it in a court of law, and I would so hold. I won't be in that position to hold, but I do hope at some point some member of the judiciary will ask that kind of question and draw what to me is the obvious conclusion.

I sent the clarion call to the Attorney General and nothing happened, absolutely nothing. That is why this subamendment is before us, to get the Attorney General here.

That is the final, ultimate bulwark: what is the content of the term, "freedom of association"? I want to ask the Attorney



General and try to draw out from him what is his belief as to the content of the concept of freedom of association.

11 a.m.

I happen to believe that it is not just freedom to associate. The simplistic argument that is put and that I want to put to the Attorney General and that you hear on the streets is: "Nobody is interfering with the Canadian Union of Public Employees. They can still associate. Nobody is preventing them from associating."

I hear the simplistic argument that the Ontario Public Service Employees Union is not prevented from associating by this bill. I hear that the teachers are not prevented from associating. We have not banned their association. But what a simplistic sense of what freedom of association means. That would reduce this to being freedom to associate, and that is not what it is. It is freedom of association.

What is freedom of association? What is the content of it within the framework of the trade union movement? You cannot divorce it from its history. You can go back into the last century and read the history of the trade union movement in the United Kingdom. You can go back into the last century and read, finally, something about the history of the trade union movement in Canada and something about its history in Ontario. The content of that term is very clear, because it is set out in convention 87 of the International Labour Organization, which is binding on this province.

I am going to make a point. I don't play games about this kind of thing. I shall point out the flaw and castigate the Attorney General, if I have an opportunity, for playing ducks and drakes with the constitutional obligations of Ontario with respect to section 87. Everyone can understand that.

The primacy of section 87 is recognized in sections 8 and 22 of the international covenants on human rights and the international covenant on economics. I am not sure whether I got the right section number for the right convention. I believe I can quite readily spot the one.

It is correctly stated: in the International Covenant on Economic, Social and Cultural Rights it is section 8 and in the other international covenant on civil and political rights it is article--I shall not delay the processes of the committee to number the exact article. The actual correct quotations are in the address which I made in the House on October 4.

Each one of those sections of those two covenants ends with the following statement, and these are the articles which talk about the right to form trade unions and join the trade unions of their choice, and so on. I have to read article 8:

"The states parties to the present covenant undertake to ensure the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the



organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order, or for the protection of the rights and freedoms of others."

I want to digress for a moment, because you will notice some similarity between that language and the language which is in section 1 of our Charter of Rights, "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." Any lawyer going into the court who had any knowledge of what he was about, when exploring the content of that limitation in section 1 and the term "freedom of association" in the fundamental freedoms, would relate to the development of that kind of language in respect to these rights.

You can be certain the legal draftsmen were not unaware of the kinds of matters that are talked of in the international covenants. That language is not created by some lawyer-cum-Shakespeare. Those words developed over a long period. The analogies, the contrasts and the points to be made are all there.

What do they recognize? They recognize the interests of national security, or public order, or protection of the rights and freedoms of others. If those are the criteria that are going to be used to justify these, this bill cannot be justified.

My digression is now over. Each of those articles in those two international covenants contains the provision that, "Nothing in this article shall authorize states parties to the International Labour Organization convention of 1948 concerning freedom of association and protection of the right to organize to take legislative measures which would prejudice or apply the law in such a manner as would prejudice the guarantees prescribed for in that convention." That is known as convention 87. Its primacy is recognized.

Ontario, in its own laboured way, has recognized that it is bound by it. I quote the instance in the House, where on the reference from the Canadian Labour Congress with respect to the prohibition of the right to strike for crown employees the government of Ontario responded that the matter was held and the decision was rendered. It would not be repetitious in this committee for me to repeat the whole of that. But I have a sufficient sense of the decorum and propriety of the procedures of this committee that I am not going to repeat that. It is all in the Hansard of October 5.

It is not because I said it or because I am right, but because it had to be said by someone. It was directed to the Attorney General, and I ask where is he? Why does he not answer any of these questions?

Convention 87, as well as the history of the trade union movement, indicates very clearly that if you deny the right to strike and the right of arbitration, if you deny what we are

denying in this bill for the period we are denying it, we are in breach of convention 87.

I know what the flaw in my argument is; the government of the day should have brought in legislation in the normal legal processes for this assembly to have adopted convention 87. There should be a law of this province implementing the international treaty to which Canada is bound and by which Ontario, for external purposes, says it is bound. But Ontario does not have the guts and the courage to bring an act into the assembly to make convention 87, together with the two international covenants, parts of the law so that it is not a lawyer's make-work argument to do it. It has not been done.

The labour convention case in 1923 pointed out very clearly that the federal government could not, by entering into treaties with respect to labour matters, encroach upon the exclusive jurisdiction of the provinces in those areas of labour rights subject only to the jurisdiction of this assembly. That is very clear, but fortunately time has gone by and tacitly, Ontario recognizes that it is obligated.

11:10 a.m.

When the international covenants were entered into that kind of game was brought to an end. It is specifically stated that each and every part and component of a federal state is bound and that no federal government can adhere to that without each of the component parts of the federal state admitting, recognizing, stopping itself from denying that it is bound by--if you want the legal jargon that would go with the argument.

Ontario is bound now by two international covenants. It is now leashed by indirection and by its actions, to which I specifically referred this year, on a complaint by the Canadian Labour Congress. The response of the government of Ontario in the processes under the labour convention is it is bound by it.

The only flaw in that argument--and it's a second-string argument as far as compartmentalizing the three classifications of arguments that I would like to put to the Attorney General if he would deign to appear. I would have hoped the Attorney General would have asked to appear; that we wouldn't have to go through all of these procedural motions to try to get the government members to support our position on these various matters.

Those arguments are very powerful and very strong and you can bet my bottom dollar they will be put in a court of law when this bill is passed. I should say if this bill is passed. At some point or other you know what will happen. You know the way this government plays ducks and drakes with the law. If this law were passed and if the dates in which it was in force were open, the decision would not be made until the contracts of working people would have elapsed.

We would come to the point where we would say, "What does it now matter that it was all unconstitutional because all of the things have been done?" What an omelette to unscramble, to decide

what numbers of dollars would have to be retroactively put back into the pockets of people in order to restore the legitimacy of their contracts.

I can't conceive--and I come to the second line of defence--that a government which spent the time, effort, attention and dollars on the Royal Commission Inquiry into Civil Rights would do it all for nothing. It has implemented into law through the legislative processes of this assembly, after much discussion and consideration, all of the protective devices of that royal commission. I cannot conceive for one single moment that this government would believe the only way in which they could direct their attention to the economic problems of the province would be to set aside the work of the McRuer commission.

There are some people who say: "It's only for a couple of years. What does it matter? The Gallup poll showed that people don't particularly care about it. Does it really matter?"

I don't happen to believe that government can be that slipshod. I don't believe we were sent here as representatives to be governed by Gallup polls of opinion. If we were going to do that, we wouldn't have a Legislative Assembly; we would have direct referenda on all questions. We are here to be specialists--as amateurs, but as specialists--on behalf of our constituents, to protect the people whom we represent on a geographic basis, with respect to their associations of all kinds.

If, for example, there was a bill introduced into this assembly to say that for two years the Holy Communion would not be served in the Anglican Church of Canada because we should conserve the supply of communion wine, someone could say: "It really wouldn't matter, we can all expiate our sins two years from now. We don't have to do it every Sunday, we don't have to do it that way." Someone could say: "It doesn't really matter, because we need that protection for Robert Welch and his constituency over there on the lake, the wine growers and so on. People can symbolically make up for the sacrament of the bread in some way." You could ask, "What does it matter?"

I guess it wouldn't particularly matter to a large number of people. There would be a significant number of Anglicans who would be upset, but all the rest of the denominations wouldn't be affected; they would be able to pursue their religious rites of one kind or another. You could take a Gallup poll. "Well, it's not directed at me, therefore why should I be upset?"

I'm not very good at telling stories. As a politician, I have often thought I would love to have the skill and the knack of some of my colleagues to tell stories. I'm not a storyteller. I am going to read this one to you if I can find it, because I should be able to be extemporaneous about it.

Mr. Chairman: Perhaps, Mr. Renwick, Mr. Brandt could read it for you with the appropriate accent.

Mr. Renwick: It doesn't need an appropriate accent, if I can find it. If you would recall what I said about public opinion



and that it doesn't really concern itself a great deal with these problems; if you would use the illustration I have used about the denial for the members of the Anglican Church of Canada of their right to take communion for two years. It doesn't affect any of the other religious communities, therefore those people are not concerned. I happened to write this down because, as I say, I am a lousy storyteller and I hope someone somewhere will pick it up and tell it in the way in which it deserves to be told.

Tories treat working people like turkeys. I'll tell you the story of the turkey farmer who one day was wandering around his farm when a turkey said to him, "Is it true you are going to slaughter me?" The farmer replied: "My dear fellow, you can set your mind at rest. You see that turkey over there and that turkey over there? They're both on the list, but I have no plans for you at present." Well, with Christmas approaching, it would be a very foolish turkey who took any comfort in that.

That is exactly what the Tories attempted to do. That is what the Gallup poll reflects and that is all it reflects; it reflects nothing else.

We, in our arrogant way, talk about the apathy of people. People aren't apathetic. They haven't got time to listen to all the ins and outs and discussions and ramifications of this. They rely on us; they don't rely on anybody else. They're not disinterested. They may say, "I have other things and other priorities, but I sent you there to look after this and you bloody well do it." We will not be doing it if we pass this bill.

There was another one I had here too. There was an ancient custom in China that anyone who wished to criticize the government had the right to do so provided he followed that up by committing suicide. It is obvious that is a custom the Tories are promoting in Ontario.

If you will excuse me, I am not finished but I would just like to get a little bit of warm coffee.

Mr. Chairman: The record may show Mr. Renwick is getting some libation at this point.

Mr. Piché: Mr. Chairman, are there any more speakers after Mr. Renwick?

Mr. Chairman: Yes, Mr. Mackenzie is waiting patiently, then Elston, Wrye, Jones and Piché.

11:20 a.m.

Mr. Piché: Can we give a hint to Mr. Renwick that he has had the floor for an hour and a quarter?

Interjections.

Mr. Chairman: Order. Mr. Renwick is now prepared to continue. You are suggesting that the Attorney General is an Anglican Chinese?



Mr. Wrye: No, he's a turkey.

Mr. Chairman: Otherwise you may be straying from the subamendment at hand.

Mr. Renwick: I am suggesting that there are essential points with respect to the divide-and-rule argument that must be put to the Attorney General with respect to what this is about.

I am going to take Mr. Piché's advice and perhaps wind up my remarks, because I know that he will be reading them in Hansard for those parts that he has missed. I have gone at some undue length. I certainly didn't expect that I would go on so long.

Could we just say that this is sort of the final gut question or the very first question that I would like to put to the Attorney General if he were here? If you look at this bill, stripped of all of the legal jargon and all of the distorted English language that it has in there and all of the destructive rituals that have been set out in here, disguised as if they were just mere minor changes in our process, if you discard all of that, what is this?

This is a bill which says to every public authority in Ontario: "We, the government of Ontario, are going to break contracts which you have with your employees at all levels of government in the province, and it is immense. We are going to pass a law to break those contracts so that you, as employers, will not have to pay the moneys that you legally bargained to pay."

That is what that says: that you, as employers, will not have to pay the moneys that you bargained to pay, that you're obligated now by law to pay, which you will have to pay; we are going to break those contracts--others will use more polite terms, suspend for a time, and so on--and we are going to remove every recourse that your employees have to assert their rights to have their contracts honoured so that you, the employers as defined in this bill, the employers of the public service of Ontario, in its broadest sense, will not have to pay the money that you are in law obligated to pay. That is what we are saying.

I think that's wrong. I don't know whether I can ever say that you could not go, as the Premier did yesterday in his response in the House, to the taxpayers of Brampton, and obviously he was speaking to his own constituency, and say: "Isn't it a good thing that we, in the government of Ontario, are saying to the municipal government of Brampton that we are going to break the contract which you entered into with your employees so the municipal government in Brampton, when the money demands are made on them, will not have to raise your municipal taxes as much as they would otherwise have had to raise them, and we are going to do it at the expense of those people who faithfully and continuously served you in many cases--not all cases but in many cases--in the relatively menial tasks of society that most people choose not to be involved in?"

It is always interesting that the Premier, when he speaks about Brampton, talks about the teachers as if somehow or other

those who educate the people of this province are being exorbitantly paid. We are trying to say to them, "You have the responsibility of not only teaching but making certain of the inheritance of the traditions of this province, as well as developing the capacity of you children and adults and young people to find your way in the economic world." He singles them out as though they are extravagantly paid and that it will not affect them or influence their purchasing power to lose a few dollars. That kind of argument leaves me, frankly, cold. I think it is a devious, sloppy, dishonest argument, lacking in integrity.

I want to ask the Attorney General whether he agrees that is what this bill is about. That's what it is. That's why there are no penalties against employers in this bill. There aren't any penalties in this bill because that employer is going to say: "Thank you, Mr. Premier. Thank you, Conservative Party. Thank you for the miracle of March 1981 that there is a majority government here. We thank you on our bended knee for saying to us that we can break our contracts and we don't have to pay that money so we can save it here so the property taxes won't be raised so that three years from now we will be able to go as municipally elected councillors, the majority of whom happen to belong to the Conservative or Liberal parties in the municipal governments of the province, can be re-elected and perpetuate us in power for another three years."

The game is power. The game is the domination of the dominant group of the society misusing this assembly by this bill to perpetuate their slackening grip on the society in which we're participating. I want to say to the Attorney General, is that what it's about? Is that what the bill is about? What part did you have to play as chief law officer of the crown dealing with justice, fairness, equity, general principles, laws of general application? What is that about?

Is it the story of my friend Richard--I'll never know why at the crucial moment I can't find anything. Is it simply the story--

Mr. Chairman: Perhaps the New Democratic Party caucus could buy Mr. Renwick some bookmarks. He seems to have a weakness in that regard.

Mr. Mackenzie: That's about the only weakness of Mr. Renwick.

Mr. Renwick: Is it simply the Henry VIII law that I referred to about Richard Jones passed all over again? Where is it?

A statute of Henry VIII. It provided: "It is ordained and enacted by authority of this present parliament that the said Richard Rose shall be therefore boiled to death without any advantage of his clergy."

"We do it with great reluctance. We've come to the conclusion very reluctantly, but you, Richard Rose, don't happen to be part of the group that runs this society," and that's what it has done.



Mr. Mackenzie: He has said it very effectively. I hope you were listening, René.

Mr. Piché: I was.

Mr. Mackenzie: For the periods you weren't in here, I hope you will read the Hansards.

Mr. Piché: I will do that. I already mentioned that I would.

Mr. Mackenzie: I think there is a message to be heard in Mr. Renwick's presentation.

Mr. Piché: You can keep your remarks short because it's all been said already.

Mr. Mackenzie: No, I will put it in a little more ordinary way. That's the only way I can. That's the only way I can deal with it, just how I feel about it, which is pretty strongly.

I think Mr. Renwick's presentation came through as a feeling, eloquently put but as some honest, sincere feelings about this matter. I have no difficulty in telling you that I feel every bit as strongly. I just also tell you that I couldn't begin to put it as eloquently as Mr. Renwick could.

I think one of the things we have to ask the Attorney General, and one of the reasons he should be before us, is why have we got the Tory party in Ontario bringing in what amounts to a serious piece of class legislation. I had always thought that's one of the things they tried to accuse us of, that we were the class ideologues in the Ontario Legislature. Here we have a bill that specifically tramples over the rights of some 14 or 15 per cent of the population of Ontario, the working population in terms of public servants.

Nothing is more clearly a piece of class legislation than this bill before us. Where does the Attorney General, the chief law officer of the crown in the province, stand on such a matter? I am wondering really.

There is a little quote here that came out of the La Follette hearings, where we were trying to establish the right of workers to organize and have collective bargaining rights and not be trampled on in terms of the use of strikebreakers and so on in society in the early days.

As some of you know from the closing remarks I made in the debate in the House, we lag far behind many of the American states in terms of protection against this kind of activity. During the La Follette hearings there was a quotation, the quotation being that, "The American worker doesn't yet believe in the class struggle--" They're talking about the worker. I think that applies to the Canadian worker. If he did, maybe we would have got a little farther than we have today politically in the province.

Mr. Laughren: The Tories know about it though.



Mr. Mackenzie: "--but the American employer has been Marxist for generations." Is that really what we have here as well? I think the closing remarks Mr. Renwick made about the kind of, "Thank you, friends, for this legislation that allows us to break contracts," is right on. It is right on.

Mr. Laughren: Exactly, they're a bunch of Marxists.

Mr. Mackenzie: When Dwight MacDonald, reporting on the La Follette committee hearings in the Nation on February 27, 1937, made that comment, "The American worker doesn't yet believe in the class struggle, but the American employer has been Marxist for generations," I think you can draw a parallel to what's happening here in Ontario.

Mr. Brandt: It happens to be wrong.

Mr. Mackenzie: I don't think it's wrong at all. The legislation doesn't indicate that it is wrong.

Mr. Brandt: It's total insanity to make that kind of comparison.

Mr. Mackenzie: It doesn't indicate that it's wrong at all.

Mr. Laughren: You're the Marxists.

Mr. Brandt: Total insanity.

Mr. Mackenzie: Look at the powers that are given the board; you don't have to give any reasons or any written judgement if there is an appeal. There is total dictatorship involved in that particular board. I am reminded of a comment that was made by Sam "Chowderhead" Conen, a famous strikebreaker. This is a legitimate comment he made on his long criminal record.

Mr. Brandt: What was the middle name?

Mr. Chairman: "Chowderhead."

Mr. Mackenzie: This was here in Ontario, during some of the problems we were having in Toronto in the strikebreaking in the 1970s. Sam "Chowderhead" Cohen, commenting on his long criminal record, said, "You see, in this line of work they never ask for no references."

You have exactly the same situation with the power you are giving this board. You do not have to give a reason or written judgement. What does the Attorney General have to say about that kind of power and that lack of protection--that's more important--for the working people of Ontario? Do I have to convince anyone in this room that that is grounds in itself for having the Attorney General before us to answer some of these questions?

I don't like the tradeoff we were offered when we were dealing, a few days earlier, with the amendment concerning the

Minister of Labour (Mr. Ramsay). We were told we might get his deputy.

I agree with Mr. Renwick's assessment of Mr. Dick that he has the marbles to deal with these issues, but he's not the policy maker. Maybe the second line of defence is that we ask for the deputy ministers in all of these cases. It really is a sad commentary that we have to go through the ministers and then start going through requests for the deputy ministers. Surely we should be able to have answers to some of these questions.

The seriousness of this issue and the seriousness of the legal and civil rights implications of it are beginning to sink through to one hell of a lot of influential people in Ontario. I know some of the Tories are now aware--I think some of the others in this room, if they aren't, should be--of the very concerns over people's civil rights that are being expressed. I think it should be part of the record.

We read a few of Cardinal Carter's comments into the record in the earlier debate. If you haven't heard them, you should hear the comments that have been made by Bishop Sherlock in London.

The concern is that he's dead on. Most Rev. John M. Sherlock, Bishop of London, wrote the following letter.

Mr. Brandt: He's a fine gentleman. You should listen to what he says.

Mr. Mackenzie: He wrote it to the London Free Press. If you agree, then you listen carefully to what he said. It's a letter he has just written. He says:

"Sir:

"In reflecting on the news item in the Free Press regarding the presentation of briefs to the legislative committee relative to the proposed Bill 179, it occurred to me that some important issues may have been overlooked.

"Just a little over a year ago Pope John Paul II published a document entitled 'On Human Work.' In it he affirmed again the rights of working people, including the right to form labour unions to engage in free collective bargaining and in most circumstances to make use of the strike as a last resort. He spoke of labour unions as an indispensable element of social life. This past June 15," we're dealing with this year, "in an address to the International Labour Organization," and I want to deal with that in a few moments, as my colleague did, because we're really being hung out for public scrutiny with this legislation--

Mr. Chairman: Mr. Mackenzie, it has to deal directly with the Attorney General.

Mr. Mackenzie: It very definitely does, because we're dealing with the legal implications here.

Mr. Brandt: We're going to get to that. I can see where he's heading.

Mr. Mackenzie: "--in an address to the International Labour Organization in Geneva, the pope issued a sharp warning

against state controls of unions. In it he deplored the fact that while labour union freedom is uncontestedly a basic right, nevertheless, today it is a very threatened right, one that is often attacked both in its principle and other substantial aspects."

Surely this is an area that the Attorney General of Ontario has some responsibility. Rev. Sherlock goes on to say that, "In the light of these statements I must express serious misgivings about the province of Ontario's proposed wage restraint and administrative prices program, Bill 179."

11:40 a.m.

Sherlock continues: "Admittedly, our legislators face a difficult task in trying to come to terms with our economic troubles. There are no obvious or easy answers. However"--and I recommend this to all the members in the room--"no solution, no matter how justified its goals, is acceptable if it violates the norms of justice. Bill 179 appears to risk doing precisely that."

This is not a New Democrat talking now. This is Bishop Sherlock.

"First, as the overview document from the ministry makes clear, the proposed act effectively removes, apparently for one year, the right to free collective bargaining, the right to strike where this is possessed, and the right to compulsory arbitration where this replaces the right to strike in law from approximately 500,000 public employees in Ontario. The overview document is very clear: 'Recourse to strikes and binding arbitration will be suspended since a contract is always in effect.' During this 'control period,' working people are made subject to a board which is 'not required to give reasons for any final order or decisions or determination made by it...' (3(4) of the proposed act).

"While a basic right may be restricted if a serious crisis involving the common good requires it, it has not at all been demonstrated that removal of the basic right to free collective bargaining from public employees in Ontario is required in order to deal with our economic difficulties. In fact, a wide range of people is in agreement that wages are not a primary cause of inflation, since they have lagged behind the consumer price index in recent years..."

As an example, he cites the address in Ottawa by the federal Minister of Labour, on June 26, in which he made this point.

"Second, as articles 11 and 12 of the proposed act make clear, this legislation will unilaterally cancel many legal agreements already entered into and now considered binding in law. For example, even though some two-year agreements have provision for compensation in excess of five per cent in the second year of the agreement, such provisions entered into in good faith by the unions involved are cancelled. One wonders what happened to the old understanding that a bargain was a bargain.

"Finally, even if it is agreed that some form of restraint



is essential to deal with our economic problems, justice would require that some means be found to distribute the burden of that restraint equitably across the population of the province. This proposed bill, however, imposes this restraint on only one sector of the work force and does little about promoting restraint in prices, rents or profits. The section of Bill 179 dealing with administered prices will clearly not have much effect on most of the prices that people have to pay in daily life.

"In his talk at Geneva last June, the pope observed that 'cohesion of the social forces is always desirable and it ought to be the fruit of free decisions of those concerned, taken with full independence in regards to political power...' We have no difficulty in agreeing with the application of this principle in Poland where Solidarity has been suppressed by a totalitarian regime. The principle also applies in Ontario and the provisions of Bill 179 and their subsequent application must not violate it."

"Most Rev. John M. Sherlock, Bishop of London.

I think more than anything else, that sets out some of the very obvious reasons why we should have before us the Attorney General. Has it reached a point in Ontario where rights and laws and contracts be damned? What kind of a position does that put the Attorney General in? Surely he is under enough fire without now being faced with this kind of utter abrogation and trampling of people's rights. Surely these are serious questions, Mr. Chairman, and surely a weak and facetious argument that somehow or other we cannot have a cabinet minister before this committee as a witness just isn't heard of just doesn't hold water.

Anyone can be a witness, even more so when there are such fundamental principles involved, and where the fairness, the righteousness, if you like, of the law in Ontario is being seriously questioned. It is not just being questioned by New Democrats sitting on this committee, or by teachers or hospital workers or by the myriad of public civil servants, but by a lot of serious-thinking Canadians over and beyond that group. If I am reading what is happening out there in the community right, it is a growing group.

I suppose the Tory members here could tell us they are getting an avalanche of support for their positions on this. Well I am pretty high profile in terms of my opposition to it and make no bones about it in my riding. I've had exactly one call on my answering service--they did not even get through to me--that was giving me hell for my position on this restraint bill. I have all kinds of calls and letters supporting it. I want to put them on record here today. I just was not sure what else to do with my position.

There is another 64 individual letters from the teaching staff at Mohawk College and more up in my office that I will be bringing down. "We, the staff of St. David School, wish to inform you of our discontent with Bill 179" and it lists about 14 teachers, probably the entire staff--St. David is not a big school--who are directly affected by the bill.



Over and above these people who are being hurt by this bill, Cardinal Carter and Bishop Sherlock have made firm statements about this legislation. A number of economists, also to the best of my knowledge not New Democrats, have clearly stated that the so-called intent--and I say so-called because I think that is one of the dishonesties this government is perpetrating by saying this bill deals with inflation and some of the economic problems. These economists are telling us clearly that it is not dealing with these issues. A lot of people are beginning to question just what you are doing in Ontario.

It seems to me the Attorney General is going to be on the firing line, just as some of the other ministers are, and I think it would be valuable to get some idea of where the man is coming from as the chief law officer in Ontario. Just how concerned is he about what we are doing to contracts, to law, to people's rights, to basic civil rights, to legal agreements? Just what are we doing to them? Can we get away with attacking them and destroying them with immunity?

If that is a position the Attorney General of Ontario can accept or support, or by a lot of fancy talk wiggle his way out of taking any firm position on in a hearing before this committee, then in my opinion, he sure as blazes should not be the chief law officer of Ontario. I would like to hear from him in his own words exactly what he thinks of, for example, that letter published in the London Free Press from Bishop Sherlock. It raises serious questions.

We wondered at the beginning if we were a little bit far out--although most of us did not think so--in making a comparison with the kind of trampling of rights in Poland. It was not New Democrats who wrote that letter and very clearly the connection is drawn.

The other thing that bothers me is something I heard said about a first-time thief or a first-time murderer. If they are not caught the second step is always a little bit easier. If this is the kind of legislation we have and if the Attorney General of Ontario is not willing to respond to what we are doing with this legislation, then we have more serious problems than we realize in Ontario.

I always thought--and it is why we moved the motion--that the Attorney General was the chief law officer of Ontario. I may be wrong. There may be someone higher than him, I don't know. I also thought that in the long debate we just went through in Ontario on the Charter of Rights that one of the proponents of rights of Canadian people was the Attorney General of Ontario.

11:50 a.m.

I also always felt--and I guess this is my simplistic understanding of justice in Ontario--that justice must not only be done but must be seen to be done. I would like to ask the Attorney General of Ontario how he responds to that 15 per cent of the work force whose rights are being trampled on by this legislation. Mark my words, that is exactly what is happening to them.

How does he respond to them when they look at justice and say: "They didn't touch the 85 per cent of the private sector. They sure didn't roll back any of the increases for the doctors. They sure didn't give us any guarantee on prices. They sure as blazes won't look at alternative suggestions like a two per cent surcharge on those with incomes of \$40,000 and up, but they are willing to nail me out of my next contract for the equivalent of 11.2 per cent," whatever the case is, "to a five per cent increase, roughly \$1,000 a year on an \$18,000 income."

So it is all right to have a bill that is the equivalent of a 30-some per cent tax increase for the \$18,000 hospital worker, but no way will we touch someone who is making \$40,000, which is even beyond the salary of the teachers. No way will we put a surcharge on them.

No way will we take some action to deal with the income of the doctors. No way will we have any firm action, as my colleague from Riverdale pointed out very effectively, in terms of what guarantees we have on prices. None of that is there, but a hospital worker, a gardener, a librarian, garbage collector, you name it, is going to have \$1,000, or whatever the figure is, taken away from him. Even more, his right to a fair hearing, his right to arbitration is gone. The right to strike is gone.

How is the Attorney General going to be able to face questions from these people in Ontario? I think they are still citizens of Ontario. I think the 500,000 people involved as public servants are a minority. Does he have an obligation to protect the rights of minorities? How is he going to say to those people that justice is being done because we passed the legislation and it is also seen to be done? Can any of you accept that 15 per cent of the people are going to think that justice is being done and is seen to be done at the same time? .

I don't hear any comments or answers on it. It's an extremely legitimate question to be asked of the Attorney General of Ontario. Justice must not only be done, but must be seen to be done. How do we respond to the 500,000 public service workers who are going to have this kind of a view? It is not their view that has become perverted. It is the law and the justice in the province that has become perverted, and they are going to see it as such because that is exactly what we are doing.

We are perverting honesty and justice for a sizeable group of the population of Ontario. Can anyone give me an honest argument against that? Is this not now this 15 per cent of the population is going to see it when they have such rigid controls imposed upon them that are not imposed upon the others? Does that not have implications for the perception of justice in Ontario? Surely to goodness it does have serious implications.

What happens to a bill like this? It is going to affect these people for more than one year. The bill is going to affect some of them for two years, and a small number of them for three years. But it goes even further than that. It is going to affect some of them for many years because of the implications that were

clearly outlined by the groups before us in terms of their pensions.

In other words, it will affect a large number of workers for a lot of years down the road. In terms of someone who is near retirement and finds their pension affected, it compounds the penalty they are paying. It is not a one-year penalty. It is not a two-year penalty. It can be a five-, 10- or 15-year penalty.

Is that justice in Ontario? Does the Attorney General not have some responsibility to respond to the people so affected and say this is justice because we have passed the bill and parliament has that right? But what about the perception of justice? They are going to see, as I said earlier, the system as being perverted and it is going to be very difficult.

Let me ask another question. My understanding of justice in Ontario is that you fight like hell for certain rights and you win them. It took an awful long time to win some of the rights to free collective bargaining and to organization; rights incidentally which, to this very day, are not necessarily always accepted in Ontario. I have a comment that I will save for after but which deals with what is still going on in terms of workers' rights.

We do have the Labour Relations Act, and while it has been done before, it has not been done in terms of asking the Attorney General how he responds. What about that very brief but very pointed preamble to the Labour Relations Act: "Whereas it is in the public interest to the province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely-designated representatives of employees"?

Does that particular statement of principle, the preamble to the Labour Relations Act, mean nothing? Is that something we passed, that we fought for? I go back in the trade union movement only to 1943, but that is a fairly long way back in the trade union movement. Is that--

Mr. Chairman: Were you really 18 at that point, Mr. Mackenzie?

Mr. Mackenzie: I was younger than that when I went to sea, Mr. Chairman. As a matter of fact, it was the day before my 16th birthday, but that is neither here nor there. I know there are some who say I have been at sea ever since and I will accept that. I simply make the point that that was a valuable and important preamble to an act that meant one hell of a lot to working people in Ontario.

Now we have the Attorney General, the chief law officer of Ontario, trying to reconcile the destruction of that particular principle that we base the act on because we have removed the rights to strike, the rights to arbitration. I think we cannot make the point and the argument enough, that an awful lot of the civil servants already are denied the right to strike.



The saw-off was arbitration. We don't always agree with arbitration. We have a pretty fundamental disagreement with compulsory arbitration, but nevertheless, that was the saw-off to replace the right to strike for a sizeable portion of the public servants in Ontario. Even that saw-off is gone. There are other rights they have lost, especially those under the Crown Employees Collective Bargaining Act. There are other rights they do not have, but the strike right, the one fundamental issue, was replaced with the right to compulsory arbitration. That is removed.

## 12 noon

How does the Attorney General of Ontario justify this legislation--and that is one of the questions we should be asking him before this committee--which effectively guts that section as far as public service workers are concerned?

It goes beyond public service workers, although that is all the bill is designed for. It poisons and sets a climate of fear and confrontation that is going to have an effect with private sector agreements as well, but all we can specifically deal with is what you are doing to the public sector workers. How does the Attorney General answer to this? I think it is legitimate to ask how the Attorney General is going to respond in Ontario to whatever problems and turmoil lie down the road.

My colleague, the member for Riverdale, made a very good comparison of the way we treat hospital workers and the fact that, under Ontario legislation, they go to jail.

I suggest to you that we are going to have challenges of this legislation, I hope none that serious or obvious, but we are going to have them, and on an ongoing basis, and over the next two or three years. If anyone in this room thinks that is not the case, they are not thinking very clearly.

I want to know how the Attorney General, having denied the workers these rights, is going to respond when they rise up in anger and try to do something to protect themselves. Is he going to further deny their rights? Are we then going to feel the hard boot coming down? Are we going to have a reaction from the Attorney General, "Hey, whether they like this bill or not, and even if some of us think maybe it was a bad bill, we cannot in Ontario allow a challenge to law and order, to legislation, however good or bad the bill is."

Is he then going to come down as hard as blazes on these employees, where you run into people just desperately trying to protect their own wellbeing? I think that is a legitimate question if we are going to have any future and any trust in collective bargaining for a number of years in Ontario.

Before we get into this bill in a serious way, should not the Attorney General give us some indication? Or is that not called for? Do we not have to worry about how severely we are going to treat workers in this province? Is that not necessary? It seems to me that it is a legitimate question of Ontario's Attorney General.



Turmoil is a very real threat. I cannot help but think that the due process of law which is, as I said, in the arbitrated route for some of the public servants, the route that many of the public sector workers have to take; is there not a question that can be asked of the Attorney General, if we are not now in this legislation on Ontario, refuting the due process of law?

I do not have the understanding of all of the legal procedures, but it seems to me that one of the laws we set up in this province was where we were denying the rights to strike for certain employees; we had to give them something, we could not be that harsh, in terms of their ability to negotiate, so we gave them the other route, the arbitrated one.

It seems to me that is an example of the due process of law. It is not as good a law as I would like, but it is an example of it. We have now removed that, or destroyed it. I ask the members of this committee seriously, is it just that one right we have destroyed, or have we not taken a serious and sizeable step in terms of destroying the due process itself, as I understand it?

That is a question I would very much like to hear the Attorney General answer, not because of my own concerns, not what I think it might be, but in destroying that right with this kind of terrible and nasty legislation, are we not in effect taking a sizeable step towards destroying the due process? Certainly, if we are not destroying the due process, we are sure as blazes putting it under serious challenge, serious question and people are going to have serious reservations about the due process of law in Ontario.

I always thought the Attorney General represented and was the protector of the due process of law in Ontario. I want to know what the Attorney General is going to tell us in this committee when this kind of a question is asked of the Attorney General. It seems to me that is a legitimate question to ask the Attorney General.

You do not win any battles easily in Ontario. It took me a number of weeks, I guess, to convince the Attorney General and the Solicitor General to add a one-hour addition on to the training program for our police officers at the college at Aylmer. I went to them with the proposal and said, "Why don't you bring in a Terry Meagher or a Cliff Pilkey or some other union people?" This was after we had had some rather bitter confrontations at the Maple Lodge strike in Peel and some other strikes that we had been through. "Why don't you bring in some of the province's key labour leaders?"

I went to the Attorney General with this request myself. Give them a session at the training programs for the police officers in Ontario so they would get in that training program--I forget how many weeks are involved--at least a couple of hours that might give a perception from the workers' side of it. They have never had any of it. I mean the workers' side of it, although obviously you are dealing in a situation like that with an organized trade union.

Let them know what the fears are of a trade unionist, a worker just organized, a staff member trying to control a picket line situation. Let them know that when they are out on strike and when there is the potential of a confrontation with a police force in Ontario, because the police are always called in to provide access to the plant. In all the years I have been involved in the trade union movement, I have never known once yet where a union has called the police in. It has always been management or the local authorities.

The workers start out with the perception that the laws of the province, the Attorney General, the police forces, are not necessarily on their side. I said, "Let us give the police officers a brief lecture, session," whatever you want to call it, "on just how the people on that picket line feel."

I understand my friend Mr. Piché has been on picket lines. I have been on many of them and I have been involved in strikes in my own plants, my own office and many where I have had responsibility as a staff rep. I want to tell you I have never yet known one that was entered into very lightly and I have never yet known one where there was not an element of fear in those involved and where there was not a real concern because they were taking a fundamental decision that could affect their livelihood.

It seemed to me to make sense that we give some kind of training to the officers or some brief session that at least tries to make them more aware of the feelings on the other side of the line. That took me weeks; finally they agreed. To the best of my knowledge, they only did it once. I think they had Terry Meagher down to one two-hour session at the college.

The question I am asking is with the frustration that is going to pour out of the workers, with the little we have done in this kind of preventive work, with the time it took us to get even one session for a training program for police officers in Ontario, where is the Attorney General going to stand in terms of any confrontations or any problems that develop as a result of a denial of some of the most fundamental rights of workers?

It is the first time Ontario has been faced with this kind of legislation on this scale. It is the first time. You wonder what responsibility the Attorney General is going to have in Ontario. I want to know. I want some answers. I want to know how he is going to respond.

Let me touch another area briefly, if I may. How is the Attorney General going to respond when there are challenges to this legislation and when the province is held up in world bodies and world councils through actions at the International Labour Organization level? My friend Mr. Renwick is right. There are provisions of this bill that violate agreements that we supposedly have endorsed and entered into in Canada and in Ontario on a world basis.

Does the Attorney General not feel this is serious? Because we are dealing with a local, what he sees as a disputed but what he sees as serious, Ontario situation, does it not matter what

international agreements we have entered into, and what other people think of the kind of legislation we are enacting in the province? That is a serious question I submit to you, Mr. Chairman, a very serious question.

12:10 p.m.

This legislation is going to be challenged, starting at the very next meeting of the International Labour Organization, by the Canadian delegation, as I understand it. What is going to happen is that our province--and I happen to love it as I love my country--is going to be held up on a world stage in terms of a restrictive, vicious and almost fascist legislation, in terms of 15 per cent of the public service workers. The unfairness and inequities in the legislation are going to be pointed out. Although sanctions are very slow in coming in anything the ILO does, Canada is going to be pointed out as a nation that is denying individual rights and freedoms and breaking basic agreements.

We are going to be put into the same kind of classification as many of the countries, such as the banana republic dictatorships of Central America, who go out and snoot people. They may be a little worse than we are in some cases, but they also deny the same kind of fundamental rights to workers. Many nations in the world do; in some cases, they are not Third World nations. We are going to be put into the same kind of classification.

That is a broad issue; that may even be beyond our borders. But if any member of this Legislature is not concerned with our image, and does not, as a member of this House--however abrupt or angry--he may get, or how rough his language may get on occasion--at least have a pride in the democratic procedures in this country, and does not believe in our system, I do. I believe it is a hell of a lot better than the American system, or certainly anything you will get in a fascist or in a communist country. That kind of pride certainly has to carry over in terms of our international image. This is one of the first times we are going to be challenged.

Now, what does the Attorney General of Ontario think, or is it of no account? Is that something that is just for the International Labour Organization and the world stage? What does he think of the criticism that is going to come to Ontario and to the Conservative government of the province?

Maybe we have no pride beyond our borders, in terms of our signature to the covenants as protected by the ILO, or as proposed by the ILO. Maybe that does not count; most of the Tories probably do not even know it exists. It seems to me it is a vital and important question. Is not the Attorney General of the province concerned with the image we are going to have, the charges that are going to be made, and the fact that we are going to be hung out to dry on a world stage?

The chairman may have been hung out to dry on a couple of his rulings. That is nothing; that would not knock my pride,



although I would be a little bit upset about it, anywhere near where my pride would be knocked if my province and my country are put into the same category as those banana republics, in terms of the way we are treating a group of our people by disregarding civil human rights and legitimate, negotiated legal contracts.

I think, and I think seriously, it is not a light matter with me; this particular point, Mr. Chairman, is something that bothers me. I am proud enough that I do not want that to happen, maybe more so than some members here. I claim no pride in my country beyond anyone else in this room, but because my life has been spent in the trade union movement since I went to sea at the age of 15, because all of my education--I only got to grade 7--came through the trade union movement, I have a lot of pride in what is done in the movement and what it has done for workers and the connections it has made on a world-wide basis.

And, Mr. Chairman, the kind of ridicule we are going to be held up to bothers the hell out of me. I think, more so than some members of this committee, even though as I said I claim no more pride in being an Ontarian or a Canadian than anyone else, but because I thought we had made some pretty solid fundamental progress in terms of labour relations, although we have a long way to go. I see that as being put up to world ridicule.

Nobody, but nobody--in Third World nations, certainly not in Central America, certainly in those countries that do not have the belief in democracy that we do--expected this kind of a stamping on workers' rights from a government in the industrial province of Ontario, a part of Canada. I am sure of that. I have talked to enough foreign labour leaders to know, labour leaders from some of the oppressed countries--that have a hell of a fight just to maintain or to achieve legality. What we are going to get on the world stage, I want to make this clear to this committee, is criticism far beyond what some other countries would get simply because nobody expected this could happen in Canada, in Ontario.

I personally think it is an extremely legitimate question to ask the Attorney General if that particular area has been one of concern. I hate to say it--it is part of my cynicism showing a bit--but I suspect that angle never entered into the thoughts, perceptions or minds of any and all of those members of this Conservative government, who thought up this bill, who sat down and drafted it, who decided it was the avenue that was necessary in the province of Ontario.

I hate to say it but I strongly suspect that that thought, that angle, that perception, that concern, that fact that our pride was going to be hung out for public scrutiny on a world basis, never even touched the thoughts of a member of the Ontario government. I can tell you the one member it probably should have concerned, because he would have some connection with it, is the Minister of Labour. We all know that not only did he not take part in the doggone debate in the House, as did not the Attorney General, who is going to have the legal implications, but we have had a total stonewall in terms of bringing him before the committee.



We had the suggested saw-off of the deputy minister, who does not make policy. I had a talk with the deputy minister over breakfast, and I suppose I am out of order in relating the conversation. His remark to me was, "You are not going to get me before that committee if I can help it one damn bit."

It is obvious, at least in the deputy minister's case, because he has some of the union background too--I knew him many years before he went to work for the Ontario government--and also in the case of two or three of the other key civil servants in the ministry there is no question that they knew something of the implications, but I suspect the Minister of Labour was not even invited to sit in on any of the discussions.

That in itself would be interesting to find out, as well asking the Attorney General what say he had. On the question of the covenants we have agreed to under the International Labour Organization, did those enter into his thoughts? Was there any input to the Treasurer (Mr. F. S. Miller), and those officials who drafted the legislation? Was there any input even from the Minister of Labour?

I suspect, as I said a minute ago, that this particular angle did not even enter into the thinking. That, to me, raises another point that is rather sad. Are we so parochial, so insular, and so indrawn internally that the implications of what we do to workers in Ontario is not our concern beyond the immediate effect in the province? We are part of a world community.

We simply have to be part, and not just a part but leaders. If there is a challenge to Ontario and to Canada and to labour in this province, we have to be leaders in terms of the rights of workers around the world. How, in God's name, I ask you, Mr. Chairman, can we be leaders in the rights of workers after this? We often speak--and I think there is an element of hypocrisy in it--of what we think should be the basic rights of workers in other provinces. We certainly made those noises concerning Poland.

How can we legitimately make those kinds of arguments, make those kinds of statements, play a role in protecting workers' rights in Ontario when we are shortly going to be held up to the kind of ridicule we are going to be? Do we or do we not play a role beyond the borders of Ontario? I think the Attorney General has a responsibility to answer that question.

It is a legitimate question. I guess why I think of it, and I did not think of it when I started, is that it is even more legitimate to ask him if that particular angle ever entered into the thoughts of those drafting this legislation. It would be very interesting to know just what kind of a commitment we have in Ontario on workers' rights across this country.

12:20 p.m.

I want to ask the chief law officer of Ontario specifically what his feeling is about the contracts, the legal binding negotiated contracts, that are arbitrarily negated by this legislation. Is he arguing the common good, the necessity? Is he

arguing that we do something, achieve something, by making a law that specifically sets up one group as the culprits?

I really want to hear the Attorney General answer that particular question. Do we serve justice, do we serve the law, by saying we are going to pass a law that deals only with this group of people and that is the example we are setting? We are going to negate their contracts so that it will have a psychological effect on the province as a whole, on the private sector and the rest of the workers.

I want to know what the Attorney General is going to say in answer to that because that is also a fundamental question, and I think it also is a question that is going to give us all some idea of just exactly how strongly entrenched is a belief in this government in terms of basic rights of workers because that is what is under fire with this particular legislation.

Workers are denied the right to strike. That is one of the tougher ones, one of those that occasionally in the public sector give us some problems, but rights they have won are arbitrarily denied and negated. I specifically want to know what the Attorney General is going to say to me in answer to that question.

More specifically, I want to know, as I said in the question of the contracts being negated, is it right, do you promote the law, and is it justice, apart from fairness, to arbitrarily breaking a section of the law? That is how it appears to me. We are going to hammer this one group, and that is going to set the example for everyone else.

I want to know how the Attorney General is going to answer that question. How does that assist him as the chief law officer of Ontario to build, maintain or retain respect for the law of Ontario? After all, it seems to me that what we are really arguing in the debate over this particular subamendment is whether or not we are going to have any respect for the law left in terms of working people in Ontario.

It is a serious question. I have made the point, so I will not belabour it. The right to arbitration is also denied, and that brings in the whole question of due process, if that is denied. Once again, by jumping on one 14 or 15 per cent segment of our population, what is that going to mean in terms of the future of respect for the law in Ontario?

I can fight like hell. I have been involved in a number of nasty labour disputes, but I understand that our country has to rule based on law. It hurts doubly for someone like myself. You fight like blazes to gain rights that are not long enshrined in our province and then you see them negated like this. That causes me serious concern.

Where is the Attorney General in that question? Can you indicate, and even more important, if I can put it another way, how is the Attorney General going to be able to continue to maintain a facade, if you like, of respect for law, for workers' rights, for legal contracts, for this entire province, when we

have so ruthlessly trampled on the rights of one section of our people?

It seems to me that the Attorney General is asking for trouble. The Tories may not see it that way. They may say: "Oh, it is going to blow over in no time flat. In six months or a year from now the people will forget." Unfortunately, in this legislation that is not going to be the case. The legislation is so designed--and I guess you could not have done it any other way with what you have got--that the situation is going to fester for a couple of years.

Because of the expiry dates on contracts, some people are not even going to realize what is happening to them for another six or eight months, no matter how much of a campaign is put on by the unions, by those people who are concerned with what is happening. We are going to have a situation where it is not a slash or a sore or a cut or a wound that is being inflicted now and will have a chance to heal; it is a sore or a wound that is going to fester for a number of months and a couple of years. That means there are going to be challenges and questions.

How is the Attorney General going to respond? I would like to know what he sees. I would like to know if he has done any thinking about it, or if his reaction is, as I say, one of: "Well, it is tough measure. We have brought down the guillotine, but it will be forgotten in six months."

If that is as far as he has thought, and I hope it is not, then it is one hell of an indictment of the Attorney General of this province. But if he has thought a little further, and if he has recognized that what the government is doing with this bill can only cause problems with the workers of the province of Ontario, what is he thinking as the chief law officer of Ontario in dealing with those problems down the road?

That is a question I asked earlier. I want to ask the Attorney General that specifically. I want to know if his answer is going to be more legislation, a further extension. I am assuming now--and I can tell you honestly that I hope I am wrong, though I am almost dead certain I am not--that we are going to have trouble. But if we do, if I am not wrong, and once again hoping I am going to be wrong, what is he going to do?

Is the answer from the government and Tory perspective going to be that because we have to maintain the law that respect does not really matter, it is the enforcement of it and we are going to clamp down on people just the way we reacted to the nurses in terms of the hospital strikes we had a couple of years back? If that is going to be the kind of response from the Attorney General, then this province is unfortunately going to degenerate to the situation we have in other countries. I get concerned even at this point.

I met with the Minister of Labour last week at 7:30 in the morning with some of the True Temper workers, and they are a sane, responsible bunch. The new president has taken over and his officers are young men; when I say young, they are in their early or middle 30s. The meeting in the minister's office was about the



move of that plant to Tillsonburg, not too far from your particular area, Mr. Chairman. It was not very productive.

Workers are not getting the right to move with any of their benefits, although we are trying to change the company's attitude on that. They are going to hire 100 new workers. As for the 70 who were in the old plant, the first company position was that they do not even get the right to go down there. They said, "We won't take one of them, but we will hire up to 100 new people." That is the kind of injustice that workers are already facing.

We got to discussing the restraint bill--and this is a private sector group once again, not one of the public sector groups--on the way up University Avenue from the minister's office. I had only met one of the two young men personally before. They were not guys I knew in the United Steelworkers Union whom I was close to. We got to discussing what has happened and the current fight that we have going over this particular legislation in trying to stop it.

One of them said, "Well, I hope you can, although it does not affect us." But he also said: "If all 70 of us are out of a job, and the company continues in the position that we do not have any rights at all and the government keeps bringing in this kind of legislation, what the guys in the plant at True Temper are saying"--and that is not a radical plant in particular--"is that they are not going to take it."

That is coming out more and more. I am simply saying tha we are asking for serious trouble. I do not know what they are going to do. They made no statements as to what they are going to do. They just simply made a flat statement to me, a couple of 30-some-year-old guys who have families and kids, that they are not going to take it.

We are inviting more of that with this legislation. What is the response of the province of Ontario? What is going to be the response of the Attorney General? I want to know how he is going to clamp down. I want to know what kind of compassion, if he has it, he is going to be able to use or show to try to deal with the problems we face. It is legitimate, with a bill as important as this one, that those questions be asked of the Attorney General of Ontario.

I cannot for the moment or for the life of me understand why even the Conservative members of this committee would not agree that those are legitimate questions to be asking the Attorney General.

Mr. Chairman: That is an appropriate spot to break. It being 12:30 of the clock, we will break until two o'clock this afternoon.

The committee recessed at 12:30 p.m.



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE  
INFLATION RESTRAINT ACT  
WEDNESDAY, NOVEMBER 17, 1982  
Afternoon sitting



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breithaupt, J. R. (Kitchener L)  
Cooke, D. S. (Windsor-Riverside NDP)  
Elston, M. J. (Huron-Bruce L)  
Eves, E. L. (Parry Sound PC)  
Mackenzie, R. W. (Hamilton East NDP)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Stevenson, K. R. (Durham-York PC)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitutions:

Dean, G. H. (Wentworth PC) for Mr. Stevenson  
Jones, T. (Mississauga North PC) for Mr. Watson  
Newman, B. (Windsor-Walkerville L) for Mr. Breithaupt  
Pollock, J. (Hastings-Peterborough PC) for Mr. Brandt

Also taking part:

Bryden, M. H. (Beaches-Woodbine NDP)  
Johnston, R. F. (Scarborough West NDP)  
Laughren, F. (Nickel Belt NDP)  
Martel, E. W. (Sudbury East NDP)  
McClellan, R. A. (Bellwoods NDP)  
McKessock, R. (Grey L)  
Rae, R. K. (York South NDP)

Clerk: Arnott, D.

LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Wednesday, November 17, 1982

The committee resumed at 2:14 p.m. in room 151.

INFLATION RESTRAINT ACT  
(continued)

Mr. Chairman: Gentlemen, having a quorum in place, I call the meeting to order. When we broke at 12:30 p.m., Mr. Mackenzie had the floor. Carry on, if you would, Mr. Mackenzie.

Mr. Mackenzie: It will take a minute or two, Mr. Chairman, because I don't want to do a long summary about what I've said earlier. I will have to find out where I left off.

This morning I pointed out what was happening with contracts being negated, the right to strike denied and the right to arbitration denied. Another legitimate question to ask the Attorney General (Mr. McMurtry) is about the arbitrary setting of remuneration of workers. There is no recourse to appeal the amounts or the kind of money that is given to the workers. The legislation is clear; in some cases it is up to five per cent or nine per cent. It is an arbitrary decision made with the power that is in the hands of the Inflation Restraint Board. We are dictating to workers in the province. I think a legitimate question to ask the Attorney General is, since when in Ontario are workers' wages, on such a large scale, simply dictated to them?

The final point that can be raised with the Attorney General is that there is the feeling that justice is not being done. The only avenue of appeal--and my colleague the member for Riverdale (Mr. Renwick) spent some time on this, so I won't--is to the Inflation Restraint Board, where no written judgement or no reasons need be given. With the number of appeals there will be to the board, I would be very surprised if making those decisions does not become an onerous and almost full-time job.

I am asking--it's a continuation of the others, but once again from a little different angle--how the Attorney General can shield and protect the affected citizens in Ontario when there is no reason given for an arbitrary decision of the board and no written judgement? What is there to protect the rights of the workers that are involved? How does the Attorney General respond to that?

I am pretty darn sure it raises some questions in the mind of anybody dealing with the law, regardless of what party he is with. Where an appeal is made and a decision is given without any reason or without anything in writing--it doesn't matter how good a case the workers have made--how do we know there is justice being done? How do we know there is not some gross injustice being done? How do we shield and protect workers in a situation like this? This committee has a right to ask the Attorney General how he sees the rights of those particular workers being protected.

I mentioned that there are going to be a lot of frustrated workers down the line. There are going to be problems and probably potential picket-line situations. Once again, my colleague made a point that strikes me very strongly, and that is the absolute control given under part II of the bill in terms of the workers' wages covered by this legislation. The control is absolute. It is hard, cold, cutting, and there is no question about it.

Under part III, we supposedly have one of these tradeoffs. The whole question of tradeoffs is very much in question now. The arbitration route in place of strikebreaking was one of the tradeoffs that is now denied there. Part III is sort of a please and thank you approach in terms of prices. About the only thing that appears to be definitely nailed down to five per cent is a fishing licence or a park campground fee. I am not even sure if those are accurate, but that seems to be the extent of it.

There are no other firm controls on prices. All the pass-throughs are legitimate, although those same pass-throughs aren't legitimate in terms of the workers who are going to be affected by the bill and will have their wages restrained or cut. That will affect workers right in this building, too, as I am sure the chairman knows. That raises serious questions.

2:20 p.m.

How is the bill just and what is the approach of the Attorney General of Ontario? Why should he not be before this committee to answer those specific questions? How can you have a hard, absolute control with no appeal on the wages on the one side, and a please and thank you approach in terms of prices on the other? Where is the balance?

I always thought--even though I expected things not always to be totally fair--there was an attempt to have some measure of balance in terms of dealings within the law in Ontario. When you take a look at the power and authority in part III of Bill 179, where is the balance? I do not know. I would like the Attorney General to answer. It seems to me that is a legitimate query of the chief law officer of the province.

How can he continue to protect the rights of minorities? As basic as any question and any argument we've raised to date is how he can continue to protect the rights of minorities in the province when we are specifically jumping on the 15 per cent minority of public servants. It clearly states they no longer have the same rights that other workers have in the province. It's absolutely clear. They do not have the rights.

How in blazes can the Attorney General--who I think is charged with the responsibility for protecting the rights of workers--continue to even present a facade of protection for workers of human rights when he is now part of a government that's bringing in a bill that specifically dumps on 15 per cent of the population? Either it doesn't exist and he can't protect those rights, or we're clearly into what I said in the very first



remarks I made in this presentation, that the Tories are into a class society. They have clearly decided that they'll decide what the classes are and which class is going to get nailed. That's a legitimate question for the Attorney General.

I mentioned the covenants under the International Labour Organization and that we're going to be held up on the world stage to some ridicule. I'm not going to go into it again; I've covered that. I mentioned the Ontario Law Reform Commission, which my colleague the member for Riverdale also dealt with at some length, and the civil rights that were brought in with a lot of fanfare. The Tories were very much involved in that major effort in Ontario.

How can we give the Attorney General and justice in Ontario any credibility when this bill, in effect, offsets or negates some of the very rights that were said to be essential in the McRuer report? I can't understand that. Say what you like about our presentation, but I think that's a legitimate question.

I can't for the life of me understand how we can spend all the years we did on the Ontario Law Reform Commission and the recommendations it made in terms of human rights, civil rights, the rights of people, and then stamp all over them with Bill 179. We're a bunch of hypocrites if we allow this to happen in Ontario.

The other legitimate question is, and I hate to think this is the truth because it raises serious questions: Was the McRuer commission and all of this work that has been done in these areas a sham to begin with? Didn't it mean anything? If we allow Bill 179 to become law in Ontario we are making a farce out of the efforts, the publicity and the kudos the government took in some of the steps they made trying to establish those kinds of rights in the province.

That is every bit as legitimate a question to ask of the Attorney General of Ontario. Those questions clearly outline why I feel it is absolutely essential that we have the Attorney General before us. If we don't have the Attorney General, we are going to have to step down the ladder a bit and ask for the deputy minister, but it should be the Attorney General.

I think the questions are not mild ones, not simple ones, not easy ones, not ones that you can shove under the rug. They are serious questions that should be answered when any government of Ontario--the Tory government as well--brings in this kind of a bill and makes it law in Ontario. By golly, if you're not going to answer some of those questions, then you've sure got a lot of answering to do down the road. I wouldn't want the legacy you're going to leave in Ontario.

That concludes my remarks, Mr. Chairman.

Mr. Elston: Mr. Chairman, I thank you for allowing me to say a very few words. Without too much hesitation, I can say most things that need to be said have been said in one way or another several times over. I do want to repeat what I said yesterday with

respect to the point of order raised by Mr. Stevenson. I think these motions are necessary from the point of view that we were given a commitment by the Treasurer (Mr. F. S. Miller)--however tenuous that commitment might have been--when we first started our public hearings that there would be ample time for us to address questions, not to deputy ministers or not to resource people from the various ministries, but to actual ministers who would appear in front of the committee.

From that commitment, I understood as a member of this committee that we would be actually speaking to a living, breathing minister here and that we would be able to pose the questions to those individuals. I have not seen any movement at this point that would indicate the Treasurer is willing to fulfil that commitment to us. In that sense, I have to support the continuous number of amendments and subamendments to this motion because I feel it is the only way we can perhaps get the people we need in this committee to answer our questions.

I can understand there would be a natural hesitance on the part of the Attorney General to answer in the affirmative to the request that has been made. I'm well aware of the commitment of the New Democratic Party and others for whom they are carrying on their struggle here in this committee, to take this matter to the highest court in the land. I can understand the Attorney General might very well be hesitant to appear in what would become a bit of a fishing expedition for further legal action down the road.

We have been told time and again by various people from various organizations that they will be going to the Supreme Court of Canada. Whether that is real or merely part of the up-front public relations campaign, we are uncertain. However, I do think--and perhaps I'll be a little bit more general in my comments here--we ought, as a committee, be allowed to hear from more than just the Treasurer and the Minister of Consumer and Commercial Relations.

I know there are people who are willing to attend on these committees to answer questions about the effect of this bill on their particular ministry. I only wanted to make those very general comments with respect to the part of the debate we've been having over these various amendments and subamendments. I do not intend to repeat myself again on others. In that sense, Mr. Chairman, I am quite willing to support this motion and others if they are designed to bring in front of this committee ministers we felt were being pledged to attend by the Treasurer when we started these hearings many days ago.

Mr. Chairman: Mr. Wrye is not here. Mr. Jones.

Mr. Jones: Thank you, Mr. Chairman. I enjoyed, as I guess all the members did, the comments of all the members but in particular those of Mr. Renwick. I think he gave all of us a very sober reflection on how he saw the legal ramifications of this bill. He made his arguments as to why he felt he wanted to put specific questions to the Attorney General. He outlined for us why he felt the relevancy of those questions flowed directly from the work we're here to do as a committee.

Some of us have said that we feel the opposition, particularly the New Democratic Party, has been stalling the proceedings of the committee. I think all of us enjoyed the thoughtful comment that went into the member's making of the case of why the Attorney General should come before this committee before clause by clause.

The last member to speak again raised the question of why he also felt that the Attorney General should attend prior to the clause-by-clause procedure. I suppose that has been preoccupying the committee for several days now. You know that certain government members, for sure, have been urging that we proceed with the clause by clause.

2:30 p.m.

The member just previous referred to the Treasurer's comments, while we were still in the stage of hearing delegations, that certainly he would call upon such expertise as he may find as we would be moving into clause by clause. As we know, some of the people have been mentioned. In fact, in the debate this morning Mr. Renwick probably shared with the rest of us some of the reasons why this government has been successful in these years as the government, basically because we are blessed with a very high calibre of individuals who serve as part of it, not just the political persons, the so-called policy-setting side of that, but in the key offices of the various ministries on down through the ranks.

Mr. Renwick happened to single out a man last evening, Rendall Dick, who has served the economic portfolio as the deputy to the Treasurer of Ontario and the Minister of Economics. He also alluded to his present role as deputy minister to the Attorney General. This probably serves to remind us that legislation such as this, which we all admit, as we call for the attendance of the Attorney General, just does not happen in a vacuum. It does not happen with just one minister or even a handful of ministers being familiar with it. True, it is carried by the Treasurer. Certainly we address ourselves to the question of the Attorney General, who, we should be reminded, is a part of the cabinet process and the other processes of this government.

I did mention for the members last evening that the lawyers on Treasury staff who assisted in the drafting of this legislation are members of the Attorney General's ministry. Further, a lawyer from the Attorney General's office was assigned to advise on this bill throughout its preparation. I also shared with members that the Attorney General's staff considered this bill entirely legal, because we did have questions. In the making of the debate, if members thought the Attorney General should attend, there might be questions of legality flowing from our Constitution and the important role the Attorney General played in the period leading up to our Constitution being adopted was cited.

Very briefly, I would like to remind all committee members, as we address ourselves to the question of the Attorney General



attending prior to clause by clause, that while individual ministers are not listed, as Mr. Renwick reminds us, nevertheless, though some would say that Mr. Biddell has some kind of all-consuming power and is somehow or other let loose to administer certain sections of this act, the bill states very clearly under subsection 2(6): "A member of the board may be removed by the Lieutenant Governor."

I think that is very clear evidence to the contrary that Mr. Biddell, who had some allegations levelled against him last evening or certainly some suspicions attached to him, would just ride into the sunset his very own way and not have that responsibility back to the Lieutenant Governor in Council and to this government. I just put that on the record in view of the fact that while Mr. Renwick was kind enough to share with us some of the Supreme Court thinking that had dealt with the National Energy Board and other things, which I am sure we found fascinating as we explored that issue of possible bias and arguments on whether the Attorney General should attend or not, one's thoughts, as much as they address the Attorney General and his opinions here, kept coming back to the basic principle of this bill.

I suppose the responsibility of government in our British parliamentary system of governing it to put its case that it is quite common for a minister to be designated. I have made the point before that, rather than the Attorney General who was mentioned, I think it is quite appropriate that the Treasurer, given the overall economic nature of this bill, should be the appropriate minister to carry that bill.

I think back to other important bills that we have all seen pass through this House. I have watched as the Family Law Reform Act was considered. None of us would deny that that was a very essential piece of legislation. I think of Bill 100. We have talked about it here in our deliberations. It was important, touching so many of the basic principles we have debated here in this committee. I recall again that one minister was assigned and one minister carried that debate forward.

With the Treasurer pointing out, and with Mr. Brandt's amendment that precedes the subamendment as to the Attorney General's attending, where we call upon another minister who has responsibility for a specific section of the bill, I find that totally closed from the comments that the Treasurer shared with us. I, like others, would not deny for a moment that the Attorney General certainly has an interface with the results of this legislation as it goes forward and its implementation. No doubt we are well aware of all the processes of government that have had input into the drafting of this bill, as to its having reached the stage where it is before us for deliberation now.

Others, Mr. Renwick among them, outlined the types of questions they would like to ask the Attorney General, as flowing from the McRuer report and the other discussions. They also then said it would be important, failing having the Attorney General to attend, perhaps to have the deputy chief law officer, and that the Deputy Attorney General might attend. I do not think anyone has ruled out any of those. In fact, the Treasurer has said from the



outset that he was prepared to consider--"may" was another word that he used in his comments--ministers visiting as he might find they would be helpful to us in our deliberations, as we moved into the clause by clause. As I listened to the last speaker repeating those comments, I do not think too many of us have problems with that. Many people have been surprised to hear that the Deputy Minister of Labour, for example, might attend with us.

Through all of this, there has been this commitment to providing us with as much of the information and the details and the specialties that we need from various ministries. I do not think anyone is denying that. The fact remains, however, that the Treasurer, a senior minister of this government, took part in the debate in the Legislature, as did the Premier (Mr. Davis). He awaits this committee now, as we would move forward into our clause by clause deliberations.

As we consider the Attorney General, I have to be extremely curious, I suppose, as to where the list would end if we were to go on and on with this litany or, as was once said, an array of ministers attending.

2:40 p.m.

Certainly it has been said--in fact, I was reading a recent article where someone was quoting, and you can ask who it was later--that in our British system of justice, we have a system which elects a party to have the responsibilities of its government's action. All the ministries are a part of that process; they sink or they swim by that government policy as it comes forward.

From my observations there has not been anything from the debate in the Legislature before coming into this process, before we had the cross-section of input and concerns snared with us from many different sectors. We have heard over and over that, somehow or other, freedom of assembly and other basic principles are threatened. I have not been able to piece together some of that debate.

The Premier has said during the debate that as a government, and personally, the difficulty this bill gives him, affecting as it does basic rights of our collective bargaining process. We have all said that, but we have also said that this legislation is an economic piece of legislation. It is a restraint program; many have agreed that a restraint program is needed. We find over and over in the rhetoric of the debate, and this morning we heard it again, that there has been an attempt to pretend that this government is intentionally singling out only one sector of the economy, one sector of our society, and asking it to bear the brunt of the restraint program in order to help improve our economic environment.

Mr. Mackenzie: Surely you are not going to argue--

Mr. Jones: We can forget the debate that took place in the House, as you people conveniently do, but the fact remains, as we said before and we share with you again, that there are other disciplines at work in other sections of our economy that are having very much a restraint section.

Mr. Cooke: Just show us one.

Mr. Jones: We have been through all of the debate. We have seen the effects. We have discussed with you the government's concern about the province's employment figures and we have talked about the need, as we see it, for a program such as this which can preserve jobs.

Mr. Cooke: You are so gullible it is not even funny.

Mr. Jones: The opposition, and particularly the third party, has again and again said, "Bunk. There are no jobs to be preserved by this program." If we had a program come forward from this government which involved cutting transfer payments to boards of education, to whatever of the other levels of government, to say that that would not bring about fewer jobs, and we know the labour component is some 70 per cent in some of those areas, if that would not mean the threatening of jobs, then there is something very wrong with my understanding of the workings of the economy.

This is a restraint bill, to be sure. It is a bill for a specific period. I know that Mr. Mackenzie in his comments two speakers ago said--

Mr. Cooke: We know how good your government's word is. That is why we worry about the future as well. It is the written contracts we are worried about.

Mr. Jones:--that somehow or other there was no addressing in this bill or not enough addressing of the restraint on prices, and of course that is to ignore that there are other disciplines at work in the overall economy, other legislation for that matter. We have rent controls; we have other legislation that is at work.

Mr. Mackenzie: You have got--

Mr. Chairman: Gentlemen, Mr. Jones was very quiet when Mr. Mackenzie and Mr. Renwick were speaking. Would you please give him the same courtesy

Mr. Cooke: He is not speaking on the motion.

Mr. Wrye: On a point of order, Mr. Chairman: Could I just ask you if you might draw the speaker back to the motion now before us on the Attorney General's requested appearance?

Mr. Chairman: That point of order is well taken. Mr. Jones, would you please address yourself to the subamendment?

Mr. Jones: Thank you, Mr. Chairman. This subamendment proposes the attendance of the Attorney General on this committee prior to moving into our next proper function as a committee, namely, that of--

Mr. Wrye: What clause do you think we would be on now if you had given us a few ministers about a week and a half ago?

Mr. Jones: --clause-by-clause consideration. The Attorney General has an interest in this bill. I told you that lawyers of the Treasury staff who assisted in the drafting were members of the Attorney General's ministry. For those who have questioned the legality of this bill, I can assure you the Attorney General's staff considers the bill entirely legal. As we saw, a lawyer from the Attorney General's crown office was assigned to the drafting of this bill, so the Attorney General has had a large role in this bill.

People who attended to discuss this bill and their concerns about it told us--and these are professional people here who represented people with some very strong objections to the bill--that the drafting of that bill was a work of art. To pretend that the Attorney General needs to attend to look at the legality of the bill--I have told the members of the input the Attorney General and his staff had in the drafting of this bill.

The Attorney General and the other ministers have a key role as they play their respective parts in the functioning of this government. Many of them shared in the debate in the House before it came to this process of committee and all of them are very much a part of the government.

I simply say in my closing remarks that the Treasurer as a senior minister has been given carriage of this bill. It is very much the procedure as has been the precedent here in the Legislature in the past. I quoted for you other bills that came to mind. Here we await the procedure of this bill. No one is out to deny any legitimate information, be it from the Attorney General's ministry or any other area of expertise.

The Treasurer, I think, has been very candid. He has been very attentive to the debates in the House and anxious as we heard delegations to answer and to contribute. I simply say to you that as we make this proposal for the attendance of the Attorney General, and as there have been proposals for others to attend, I think we have to admit some gamesmanship has crept into this whole process. We have not been doing our rightful job and we have not been following the proper procedure these days as the lawmakers and legislators who are supposed to be considering this.

Interjections.

Mr. Chairman: Order.

Mr. Mackenzie: Mr. Chairman, on a point of order: Can you ask the speaker to point out where we have not followed the rules in the last few days in this House?

Mr. Jones: I have not been talking about the rules. I have been talking about--

Mr. Mackenzie: You were saying we have not been following the rules.



Mr. Jones: No. Mine was an allegation of the abuse of rules. This is a filibuster, to be sure. You have been redundant. You have quoted opening sections of the Labour Relations Act at least 20 times in this committee.

Mr. Cooke: We did not get answers in the House.

Mr. Jones: For my part, I see the proposal calling for the Attorney General to attend prior to our moving into our clause by clause as nothing more than a stalling tactic. I don't think any of us are surprised by that. It has been the NDP's declared motive from the very start. They do not want this Bill 179 to go through. They declared they will do everything, whether it means calling for the Attorney General, calling for the Deputy Attorney General or for any other person from the government, anything that can somehow or other grind the process to a halt rather than follow the legitimate process.

2:50 p.m.

With that, Mr. Chairman, I will be opposing the subamendment and I thank you.

Mr. Piché: Mr. Chairman, yesterday when I brought in a motion, I was ruled out of order and I want to start all over again. Before I do that, I want to say that I am now convinced--I was convinced yesterday but I am convinced more than ever now--that we are not getting anywhere in this committee. This morning, we heard only two speakers, Mr. Renwick and Mr. Mackenzie, speak close to three hours on an amendment to an amendment. At this rate, I am sure we will be here until Christmas still discussing amendments.

We are not doing the job we are here for; we are not looking after the interests of those whom we represent.

Mr. Jones: Not amendments to the bill.

Mr. Piché: Amendments to amendments.

Mr. Jones: Amendments to amendments to drag people in to discuss it.

Mr. Piché: That is right. As I mentioned, when two speakers spend close to three hours--

Mr. Chairman: If I may correct the record, Mr. Renwick and Mr. Mackenzie took three hours and 45 minutes.

Mr. Cooke: On a point of order, Mr. Chairman: You may have certain opinions of how the debate is going in this committee, but your obvious bias shows when you constantly remind people of the time. I know this annoys you and I know you are a Conservative first, but a chairman is supposed to be very nonpartisan and unbiased. I would expect that perhaps once or twice a day you would refrain from making those rather ridiculous stupid comments that you tend to make on a regular basis, like the one you made about 30 seconds ago.



Mr. Chairman: Thank you. I feel it is my duty to point out when speakers start, when they end, who has the floor when we end and who was the floor when we start. That is part of my duty as the chairman. Carry on, Mr. Piché.

Mr. Piché: Mr. Chairman, as I was saying, there is an abuse of the privilege of this committee by some members and I think we must move on as far as clause by clause is concerned. Therefore, I would like to put in a motion again. Before I do that, I would like to refer to the standing orders, section 36, which is on page 12 of the book. It goes like this:

"The previous question, which may be moved without notice or a seconder, until it is decided shall preclude all amendments of the main question, and shall be in the following words: 'That this question be now put'. Unless it appears to the chair that such motion is an abuse of the standing orders of the House or an infringement of the rights of the minority, the question shall be put forthwith and decided without amendment or debate." I would like to repeat the last few words, "without amendment or debate."

Mr. Wrye: Mr. Chairman, on a point of order.

Mr. Piché: No, you cannot get a point of order when I am reading this.

Mr. Chairman: A point of order, Mr. Wrye.

Mr. Wrye: Mr. Chairman, just to help, would it be your view--

Mr. Chairman: No, a point of order.

Mr. Wrye: I suppose my point of order is more of a point of view that my concern, given the standing order he has just read--

Interjections.

Mr. Wrye: We have had only one speaker on this motion and it just seems to me--

Mr. Chairman: What you are leading up to is no point of order yet. Mr. Piché, carry on.

Mr. Piché: I will continue and I am on section 36, "If the previous question is resolved in the affirmative, the original question shall be put forthwith and decided without amendment or debate."

Mr. Chairman: Mr. Piché moves that this question be now put.

Interjections.

Mr. Piché: No, there is no debate or amendment.

Mr. McClellan: I have a point of order.

Mr. Chairman: Point of order, Mr. McClellan.

Mr. McClellan: I'm not debating the motion because that's precluded by standing order 36, but I'm speaking on a point of order. The motion put by my colleague, Mr. Piché, is out of order and I'm citing the following precedent which is dated March 5, 1874: It was moved in the Ontario Legislature in an amendment that the words, "Mr. Hodgins and Mr. Meredith" be inserted in a motion after the word "Fraser." After some time, it was moved, "That the question be now put."

A closure motion was moved in 1874, as Mr. Piché is attempting to move now, while there was an amendment--

Mr. Mackenzie: Let's move on with the work of this committee--

Mr. Piché: On, snut up.

Mr. Mackenzie: It is a closure motion--

Mr. McClellan: Come on.

Mr. Chairman: Order. Was that Mr. Cooke?

Interjection: No, Mr. Piché.

Mr. Chairman: You are getting redundant.

Mr. Piché: No, I--

Mr. Chairman: Mr. Piché. There is no cause--

Mr. Piché: He said--

Mr. Chairman: Mr. Piché. Hold it. There is no cause to tell another member to shut up in any case.

Mr. Mackenzie: It is a question of whether we're in order here. He did it on me, Mr. Chairman.

Mr. Piché: No I never did--

Mr. Chairman: Mr. Piché, order.

Mr. McClellan: I think you should have a nose, Mr. Chairman, that you could spray on Mr. Picné.

I will start again. In 1874 one of the members of the Ontario Legislature tried to move closure when there was an amendment on the floor to the main motion and Mr. Speaker ruled--and I'm quoting from the precedent book that is kept on file by the clerk--"After some time, it was moved, 'That the question be now put'. Mr. Speaker decided that as the previous question cannot be put when an amendment is under consideration, the motion is out of order."

That was the situation in 1874 and it is exactly the same situation here this afternoon. There is an amendment on the main motion. As long as there is an amendment on the floor to precede the main motion, it is not possible under our precedents to move, under standing order 36, that the question be now put.

Mr. Chairman: Thank you. Mr. McClellan, I have examined that authority to which you referred to and you are correct in your quotation of that authority. However, that was 1874. That has been superseded by the ruling of the present Speaker on November 3, 1981, on the Suncor matter. If I may read and refer to that, he sums up--Mr. Welch moved the previous question in the same manner Mr. Piché has--

Mr. Mackenzie: Closure on the Liberals--

Mr. Chairman: Excuse me. There was also an amendment to an amendment at that point. He referred to the wording. The Speaker answered by reading--and I'm looking at page 3178 of Hansard which is also in the journals--standing order 36 and then he ends up by saying, "To me that is quite clear in that it does refer to the original question." Therefore the subamendments are, may I say leap-frogged--now that's an Oxford expression--and therefore--

Mr. Elston: Oxford county.

Mr. Chairman: Oxford county, yes--not dictionary.

Mr. Elston: Not university.

Mr. Chairman: Not university. Therefore Mr. Piché's amendment is in order when an amendment to an amendment is on the floor. Therefore, I rule your point of order as not a point of order. It is not valid.

Mr. Chairman: Mr. Cooke, point of order.

Mr. Cooke: Mr. Chairman, under standing order 36 there is another question the chairman must decide before ruling that the motion of Mr. Piché's in order.

3 p.m.

I shall quote standing order 36 once again: "The previous question which may be moved without notice or a seconder until it is decided shall preclude all amendments of any motion and shall be put in the following words: 'Therefore, unless it appears to the chair that such a motion is an abuse of the standing orders of the House or an infringement of the rights of the minority.'"

Mr. Chairman, I suggest to you that this particular motion is an infringement of the rights of the minority.

We have put forward various motions to request certain ministers to come before this committee, before we enter clause by clause discussion of this bill. If the motions and the requests



were not legitimate, if they were not requests that would be helpful to the committee members before we got into clause by clause, if this was in fact, as some members of the Conservative Party believe, strictly a stalling tactic on the part of this party, then it would not be an infringement of the rights of the minority.

The reality is that these are legitimate requests that are being made by both opposition parties on this particular bill, and the only reason that this motion of closure has been brought in by the Conservative Party--

Mr. Piché: It is not a motion of closure.

Mr. Cooke: It is a motion of closure.

Mr. Chairman: Order. Mr. Cooke has the floor.

Mr. Cooke: Mr. Chairman, you have to make a decision as to whether this is an abuse of this particular ruling, whether it is an infringement of the rights of the minority. I suggest to you that, just because the Conservative Party does not want to bring certain cabinet ministers in front of this committee, and they have stonewalled every legitimate request by the New Democratic Party in the last three weeks at this committee's sittings, just because they do not want to do that does not mean that this motion of closure is an appropriate motion.

In fact it means the opposite. They are using the majority in this committee and in the Legislature to infringe upon the rights of the minority on this committee. I ask you, Mr. Chairman, to rule that this motion is out of order because it is an infringement of the rights of the minority.

Mr. Wrye: On a point of order, and just to pick up where my friend left off: as much as anyone, I certainly wish to move forward with clause by clause, because we have a large number of amendments to put. But I would share the views of my friend from Windsor-Riverside when he suggests--I certainly disagree with the Speaker's ruling of last November and I guess I disagree with this motion for the same reason, particularly when my friend from Windsor-Riverside points out an infringement on the rights of the minority.

I am reminded of a speech by the Honourable Frank S. Miller, who is the minister carrying this bill, just one week ago. I should like to read, if I might, one sentence, and appeal to Mr. Piché to think about the ramifications--

Mr. Chairman: No, Mr. Wrye. At this point you are addressing me on the question of Mr. Cooke's--

Mr. Wrye: If I might read it to you, Mr. Chairman, in terms of whether there has been an abuse by the minority or by the majority and whether we should be able to continue asking this government to bring forward a reasonable number of ministers.

Mr. Miller said, "When I think back on the events of last



year, the federal budget, I am reminded of the wise man who said of dissent, 'We must not only allow it, we must demand it, for there is much to dissent from.'

It seems to me there is much to dissent from in terms of the government's stonewalling of efforts by both opposition parties to get a reasonable number of ministers here.

I think, Mr. Chairman, that the determination you have to make, in ruling on this motion, is whether there is indeed--and I suppose we have come down to this--a filibuster under way--

Mr. Piché: There is, and you know that.

Mr. Wrye:--or whether, had the government made a reasonable offer to the opposition of some of the ministers for a certain period--and I remember that my friends behind me have talked about a couple of days--whether we might not have simply got on with it, and we could now be on some of the specific clauses of this bill.

It seems to me an attempt to choke off debate and choke off the request to bring these ministers before us. I am particularly reminded of the excellent, though perhaps slightly lengthy speech of my friend from Riverdale. I learned much listening to his remarks, not only last night, but also this morning. I was persuaded, as I might not have been before, that the Attorney General (Mr. McMurtry) might be an appropriate person to come in for a couple of hours to answer these very relevant questions.

It seems to me, if at this point we choke off debate, it is an infringement of the rights of the minority. It seems to me it is a right of the minority in this majority government and in our democracy to dissent in a reasonable way. That is what we are trying to be, reasonable. We have had no reasonable response from this government other than a suggestion that it would bring forward the minister who is actually in charge of parts III and IV, and it would have been ridiculous on their part if they had not at least offered us him.

I think we have attempted to be reasonable. Perhaps the speeches have been a little long, but I would hope, Mr. Chairman, that you would rule against Mr. Piché's motion.

Mr. Renwick: I have another point of order, if I may raise it at this time.

Mr. Chairman: No. Is it apropos to Mr. Cooke's point of order?

Mr. Renwick: No. I have raised my hand to let you know that I have a further point of order.

Mr. Chairman: Thank you.

Mr. Jones: Mr. Cooke's point of order?

Mr. Chairman: Yes, all right.

Mr. Jones: I appreciate the comments by Mr. Cooke, where he says that the majority is somehow or other abusing the rights of the minority, and where he states that somehow or other he feels that he had not attended with some kind of diligence and listened to the debates put forward with each of the subamendments.

I know that certainly the government members have listened with a great deal of interest, and weighed each of the arguments for each of the people who have been suggested, the ministers and others who it has been proposed come before the committee. So that has not been dismissed blindly out of hand. We have listened to the debates, we have joined in them, and have come to our conclusions, such as my colleague said had brought him to the putting of the question.

Mr. Piché: Mr. Chairman--

Mr. Chairman: Are you speaking to Mr. Cooke's point of order?

Mr. Piché: That is right. I would like to make a very short statement for the record more than anything else.

If we go by the argument of Mr. Cooke, it would mean that all future questions that we put on this side of the table would always be considered as an infringement on the minority, and then we could not put any motions.

Indeed, the rules right now have been very badly abused by Mr. Cooke and his colleagues in the last two or three weeks. We must move on with this bill from clause to clause. That is why the motion is in front of the committee.

Mr. Chairman: Mr. McClellan did have his hand up first, and then Mr. Renwick.

Mr. McClellan: I want to clarify what is happening here, because Mr. Piché is trying to create the impression that this is not a motion of closure. The motion that the question now be put under standing order 36 is a motion of closure.

My only concern is that everyone understands what is going on here; because the motion under standing order 36 is not a motion that we now vote on the subamendment or on the amendment. It is a motion that wipes out any debate on the subamendment. It wipes out any debate on the amendment. It precludes any further amendments to the main motion, and it forces a final vote on the main motion.

That is a closure motion. That is the reason that standing order 36 wipes out debate on the subamendment, the amendment, and precludes any other amendments or subamendments to the motion; that it is a closure motion.

If the government wants to move closure, do not try to pretend you are doing something nice, okay? If the Conservative Party wants to move closure, let them at least have the decency

and integrity to say, "We are moving closure." Let us not try to disguise it as a normal procedural motion.

Mr. Piché: I am not moving closure. I think what he should do is to get himself a book on rules of parliamentary procedure.

Mr. Chairman: Mr. Piché, you are out of order.

3:10 p.m.

Mr. McClellan: Thank you, Mr. Chairman. Finally, it is an infringement of the rights of the minority in this House and it is a gross infringement of the rights of the minority of the people of the province who are going to be so adversely affected by Bill 179. It is beyond belief that the government is prepared to move closure because they are so embarrassed at the incompetence and inadequacy of the Minister of Labour of Ontario (Mr. Ramsay) that they are afraid to let him appear in front of this committee.

Mr. Chairman: Mr. Renwick, you are speaking on the point of order?. Mr. Renwick is first.

Mr. Renwick: Mr. Chairman, speaking on the same point of order, as I understand it, if this motion were to carry--and I am speaking specifically to the chairman and I trust he will understand the importance of the decision that he is going to have to make, regardless of whether or not his colleagues support him in the matter--we will be voting on the main motion which was moved on November 4 by Mr. Brandt. That is my understanding of the matter.

Mr. Chairman: I have it November 3.

Mr. Renwick: November 3, is it?

Mr. Chairman: November 3 was the chewed-up version of the Liberal motion and then a typed version reached us the following day.

Mr. Renwick: Then the specific question is what is the exact motion and the date on which it was moved in this committee by Mr. Brandt on which we would be voting?

Mr. Chairman: In my writing, it is November 3, 1982, at 11:56 a.m. It was received from Mr. Brandt. You will recognize that. When I say chewed up, you will remember it was Mr. Wrye's motion.

Mr. Renwick: Yes, I understand that. Mr. Wrye is here and I have a retyped version.

Mr. Chairman: Yes, correct.

Mr. Renwick: All I am asking is, when was it moved?

Mr. Chairman: It was moved at 11:56 a.m.



Mr. Renwick: On what day?

Mr. Chairman: November 3, 1982.

Mr. Renwick: November 3, 1982.

Mr. Chairman: Yes, sir.

Mr. Renwick: I think, sir, that you have to consider in what conceivable way you can decide either that this is an abuse of the standing orders of the House or that it is not an infringement of the rights of the minority. You have to address your mind to those two questions, and you are going to have to answer those two questions.

The statement has been made by Mr. Piché on a number of occasions--despite the fact that he drifts in and out of this committee and very seldom pays attention to the affairs of the committee when he is present. The record will show that, and if we have to start taking attendance and check the time we will find out. I am sick and tired of Conservative members, with certain noticeable exceptions, drifting in and out of this committee without any specific responsibility on the members to be here and listen.

I think it is fair to say that the Liberal Party members and my colleagues have been here at all times during this committee, except on one or two very unavoidable occasions. I am speaking about my own colleagues, the member for Hamilton East (Mr. Mackenzie) and the member for Windsor-Riverside (Mr. Cooke).

Mr. Mitchell: On a point of privilege, I believe the record should also show that there were a number of our members who were here through the total deliberations of this. We all have other commitments. I recognize the point the member for Riverdale is making, but I think the record should clearly show in fact--

Mr. Chairman: Gentlemen, order. I did let you go, Mr. Renwick, but it was not very close to addressing the point of order of Mr. Cooke and Mr. Mitchell has taken it even further.

Mr. Mitchell, that is off topic. Mr. Renwick, would you get back a little closer to Mr. Cooke's point of order?

Mr. Renwick: Yes, I want to speak directly to the point of order that this motion is an infringement of the rights of the minority. I think it would be granted that we are the minority. We are being told that to justify the infringement of rights of the minority, there has been an abuse of the standing orders of this House by this committee.

I want to say to the chairman and members of this committee that we have consistently and continuously abided by the rules of the standing orders of this House. We have indeed on a number of occasions consulted with the clerk of the assembly in order to make certain that we were in accordance with the rules of the House.



If this infringement of our rights is going to take place on the grounds that we have been abusing the standing orders of the House, I would like to hear it itemized in what way anybody could read the debates and the contributions by the members of the New Democratic Party and say that in any way we are abusing the standing orders of the House.

I think it is absolutely essential for you to understand that there is a legislative process. There is nothing whatsoever that requires this assembly to truncate any discussion or debate in its committees. That is what we are about.

We have come in here day after day and, with the exception of Mr. Jones and, on occasion, the interventions of Mr. Stevenson, we have been talking to a blank wall. You are not here to discuss. A committee is to discuss. A committee is to ask questions, to be informal. We have been reduced to trying to put our case against a blank wall. There has been no response, with the sole exception, as I have said, of Mr. Jones and, on a certain number of occasions, of Mr. Stevenson.

I want this assembly to know that you will not stop us in our opposition to the bill. If you are telling us that our opposition to the bill permits you to say that you can stop us in continuing that debate, by telling us that you are going to infringe our rights because we are abusing the standing orders of the House, then I have to ask you to get your heads on straight. One or the other, you must, in supporting this motion, say to yourselves we are going to infringe the rights of the New Democratic Party. That is what you have to say if you tie it to the question that we are abusing the standing orders of the House. You cannot get away from that impeccable Aristotlian logic.

Mr. Chairman: Mr. Renwick, you were speaking to Mr. Cooke's point of order. I also have you down for a new point of order. Have you dealt with both of those?

Mr. Renwick: No, I have not. It is an entirely new point of order.

Mr. Chairman: Thank you. You are finished on Mr. Cooke's point of order?

Mr. Renwick: You intervened, sir, and I--

Mr. Chairman: Yes, because you were not really addressing his point of order, which is directed to me, not any other members of the committee. It is addressed to the chair on the two questions I have to decide.

Mr. Renwick: Are you going to infringe our rights? That is the question. You have to say to yourselves that this motion will infringe our rights.

Mr. Chairman: Or not.

Mr. Renwick: All right. But I am submitting to you that this motion will infringe our rights.

Mr. Chairman: Okay.

Mr. Renwick: The reason that it will infringe our rights--and it is a matter to which Mr. Piché did not direct his attention at all in moving his motion. All Mr. Piché says, as he rambles in and out of this proceeding, is that we are abusing the rules of the House. I say he is abusing us when he has not the courtesy to pay attention to the arguments which have been put in this committee on each and every item.

I ask anyone in the assembly to take the discussions in this assembly a week ago last Thursday just as a sample--Thursday afternoon and evening a week ago, not last week but the week before that--and to read the comments that were made by my colleagues with respect to the subamendment which was then in front of us and to say to anyone that anyone in our party was in abuse of the standing orders of the House. It is impossible, Mr. Chairman, for anyone to come to that conclusion.

3:20 p.m.

Mr. Chairman: Sir--

Mr. Renwick: Mr. Chairman, I am not going to be interrupted. We have a bill before us which infringes the rights of 500,000 people and I am not going to sit here and be told that I cannot speak to defend my rights in this particular committee.

Mr. Chairman: Sir, you are on my list with your new point of order, but you must address the point of order. Sir, with your superiority and your seniority to me, you still are not exempt from the standing orders.

Mr. Renwick: You are elected the same as me. There are no precedents in this House. We are elected the same day.

Mr. Chairman: You are speaking to Mr. Cooke's point of order. That is the only reason anyone has the floor at this point. Even with your seniority, you must adhere to the standing orders.

Mr. Cooke: Is not the point the infringement of rights?

Mr. Renwick: That is what I thought it was.

Mr. Chairman: Mr. Cooke has said to me, "Mr. Chairman, you must address yourself to two questions in there. There are two tests or hurdles over which you must jump to rule Mr. Piché's motion in order, period." Everyone is addressing themselves to me on that question only.

Now, Mr. Renwick will then have his day in court, so to speak, to address his other new point of order after that.

Mr. Renwick: All I am simply saying is that if you decide that this motion is in order, you, sir, are infringing my rights. I want you to understand that very clearly.

Mr. Chairman: Thank you.

Mr. Renwick: We have, as you know--they are not formally before you, but you know as well as we do that we have certain further subamendments to move in connection with this matter. You are going to preclude us from doing that in the way in which we have done it on previous occasions. There are some very legitimate matters still to come before the committee. We can give you very quickly the actual proposals that we are going to put before us, but everyone sitting in the room knows that we have further matters which we are going to put before the committee.

I want to say, sir, that to move now to put the main motion is, in my mind, an affront, let alone an infringement, of the rights of the minority.

Mr. Mitchell: Mr. Chairman, speaking to the point of order, I wish my memory was a fast, photographic system, because I believe that when Mr. McClellan was speaking he recognized the legality of the motion of Mr. Piché. I am going to be very brief.

Mr. McClellan: On a point of privilege, I made no such recognition. I have argued that the motion is out of order on procedural grounds because there are precedents against it, and I support the argument made by Mr. Cooke and Mr. Renwick in addition, that it is an infringement of the rights of the minority. How you can misinterpret that does not speak to a lack of a photograph in your mind, it speaks to a lack of something else in your head.

Mr. Chairman: Order. Mr. McClellan, in fairness, even though not a straight-out admission, you did address yourself to the amendment that by passing it we will skip the subamendment, we will then skip the amendment and go directly to the question. You did bring that up.

Mr. McClellan: Yes, I did. It had nothing to do with what your friend brought up.

Mr. Mitchell: In any event, to be brief, it strikes me we are not removing from the members of the New Democratic Party the opportunity to raise points on other issues during the clause by clause. I am not the chair, but it appears to me that Mr. Piché's motion is quite in order.

Mr. R. F. Johnston: Speaking to the point of order by Mr. Cooke, I think it is clear what is going on in this committee to most of us, at least those of us in the opposition and, I believe, to the members of the government party as well. A motion of closure is being brought in at this point. It is an attempt to take away our rights to introduce amendments that are in order and not abusive to the procedures that are accepted in this committee. It is being taken away from us because if this motion were to be seen to be in order, it would go back to the principal question. That would make it impossible for us to amend or produce any further amendments to that principal motion, let alone to complete the discussion of ones which might have been on the table.

Je ne sais pas si le membre de Cochrane-nord a un peu de problème avec la langue anglaise, mais je veux dire que c'est



évident que c'est une motion de clôture de guillotine. Je pense, qu'en anglais vous avez des problèmes de compréhension et j'espère qu'en français vous pouvez comprendre ce que vous voudriez faire, Monsieur. Vous voudriez changer mes droits comme membre, comme député, et je ne suis pas heureux de ça, et je veux que vous retiriez votre motion.

Mr. Chairman, there is nothing that has been moved in this committee by this party that has been out of order. We have been following the rules assiduously in this committee. We have been making points which are vital to us. To have a motion of closure brought forward and for you to accept it, would be to say that we have not been acting in a proper fashion. It is taking away from us the possibility of continuing to--

Mr. Chairman: Excuse me. Would you please address yourself to Mr. Cooke's point of order.

Mr. R. F. Johnston: I am, I think.

Mr. Chairman: Those two hurdles which I must--

Mr. McClellan: The invasion of rights.

Mr. Chairman: Don't read it into whatever I may rule as what you have done or haven't done.

Mr. Cooke: Take your blinders off and just listen, Mr. Chairman.

Mr. Chairman: Mr. Renwick has another point of order coming after this. I don't know where it's leading, but you may be able to tag on to that, but please stay with Mr. Cooke's point of order.

Mr. R. F. Johnston: I believe that two items in standing order 36 are that such a motion is an abuse of the standing orders of the House or an infringement of the rights of the minority. I thought I was marrying the two, if I might, by saying that we have been following the orders assiduously. We feel that by accepting this motion as in order, it will be taking away our rights to move motions which are our right to move.

Therefore it is infringing on our rights as the minority in this committee that is upset by this particular legislation and wants, for instance, the Minister of Labour to come before this committee. It is very clear that what you are being asked to do is to infringe our rights by this motion. You are being asked--

Mr. Chairman: No, not at all, Mr. Johnston. There are two hurdles. The chair must accept that motion unless it appears to me that his motion is an abuse of the standing orders--it is not your conduct--or infringes upon the rights of the minority. If it does one or both of those things, then I must rule him out of order. It has nothing to do with your abuse of the standing orders.



Mr. McClellan: The point is Mr. Piché alleged that we had been abusing the standing orders.

Mr. Chairman: We are not discussing that at this point, we are dealing with Mr. Cooke's motion.

Mr. McClellan: That's why he brought the motion of closure in, Mr. Chairman.

Mr. Martel: Why are you entertaining the motion, if it is not that he is suggesting that we have somehow abused the--

Mr. Chairman: You are out of order, Mr. Martel. I have you down after Mr. Johnston.

Mr. R. F. Johnston: I am having difficulty with your ruling on this because the presumption behind the motion was that there has been an abuse of the operation of this committee and therefore we need closure, an extraordinary act of suppression of the minority. That is why it's being brought in. If you accept that, you're agreeing with that. By doing so, you will be abusing my rights as a minority. I believe that is patently clear.

Mr. Chairman: No.

Mr. R. F. Johnston: I wonder what the presumption is. Maybe I've misunderstood. Do you feel we have been taking too long and we have been abusing your rights? Is that why you're bringing in--

Mr. Chairman: Mr. Johnston, the wording of the standing order is quite clear. I am not dealing with whatever comments Mr. Piché prefaced his remarks with. That has nothing to do with the ruling I must make. I must make a decision upon those two points in the second sentence of standing order 36. It has nothing to do with his comments before he put the question.

3:30 p.m.

Mr. R. F. Johnston: I am disappointed that you feel that. Let me then move to the second point which is the matter of the rights of the minority.

When a minority party is in opposition to a government bill and when that opposition is in committee, does that opposition not have the right to move amendments as it sees fit, as long as they are seen to be in order by the chairman, to argue those points as strongly as they might and to take the votes as they have been taken on those matters and accept the rulings of the committee's majority as those votes are taken?

I believe that is what we have been doing. I believe we have the right to continue doing that. What is happening on this closure motion, as is very clear, is that we will not have the right to place any more amendments. Mr. Brandt's motion will basically take us back to beginning clause by clause study which will stop us from moving any more of the procedural amendments

that we wish to move in order to get the government party to bring somebody before this committee.

Mr. Chairman: No, Mr. Johnston, it is my interpretation that it would take you to opening statements.

Mr. R. F. Johnston: Yes, we would be allowed an opening statement prior to commencement of clause by clause study, but there would be no possibility to make the kinds of motions we have been making. I would just point out that Mr. Wrye, at the moment, is desperately trying to explain to the press why he introduced this motion in the first place and what took place that the government should then take on his motion.

Mr. Chairman: Mr. Johnston, it would be quite improper for me to comment in anticipation of what motions may or may not come forward and whether they will be in order or out of order. That is not in any way in front of me and I won't anticipate it.

Mr. R. F. Johnston: I am not asking you to know what the specific motions might be. You have heard from the member for Riverdale that we intend to move motions. I am saying that if you accept this motion, you are taking away our capacity to do that. You are taking away our capacity to intervene at this point. If that is the case, surely it is taking away our rights as a minority on this committee and it is allowing a majority to trample on us.

Mr. Chairman: Order, please. The members in the seats along the south side are having trouble hearing.

Mr. R. F. Johnston: I can understand why it would take a bit of noise for Mr. Wrye to explain how this motion came to be introduced by the Tories. I don't understand your difficulty in understanding why that is taking away our privileges and our rights as members. What is before us is a motion which moves us back past the amendment, stops the possibility of having further subamendments and takes us back to the original motion, which will stop us from introducing any more amendments at all to that motion.

That is being done for the purposes of the government party to push matters ahead at their speed, whereas we, as a minority, are saying that no, we wish to make certain points before that takes place. If you accept this motion as in order, we are setting a precedent in this committee which will come back to haunt this government for many, many years to come. It is a dangerous thing for Mr. Piché, who is as much a fly-in member of this committee as I am, to make that kind of a motion and disrupt the normal processes of a committee and the normal standing orders of this House.

Mr. Renwick: For those of us who don't speak French and just on a point of information, what did you say to Mr. Piché, Mr. Johnston?

Mr. R. F. Johnston: Just to clarify, I said to Mr. Piché I wasn't sure he, being the bilingual member that he is, whether he had difficulty understanding the English concept, but in French

this was definitely a matter of closure and a matter of a guillotine clause. I think that is what I said, isn't it?

Mr. Piché: A little different, but something like that.

Mr. Martel: Mr. Chairman, I am not surprised at what has transpired, for two reasons. I am not surprised the government sent a boy to do a man's work. They didn't have the courage themselves to bring in the closure motion and so they sent one of their henchmen in.

If the government House leader wanted this thing through so desperately, he himself should have come and placed the motion, rather than send one of his henchmen to do it. Obviously, they don't have the courage to do it up front so they get René to do it for them.

Mr. Chairman: You are getting pretty close to imputing motives, Mr. Martel.

Mr. Martel: You want to believe I'm getting close. I have gone beyond that and I'm suggesting the government didn't have the courage to do it itself.

Mr. Chairman: There is a difference between referring to the House leader and referring to the government. You can impute the government's motives, not the House leader's.

Mr. Martel: Second, let me suggest the bill, as presently before us, deprives some 500,000 people of contracts. If you accept this motion, you are even depriving the members of the opposition to raise matters which are their right. You are infringing on my rights when you prevent me from moving an amendment. That is what you are doing.

So not only is the government depriving people of their rights, but they are now depriving the opposition of the right to debate the bill as they see fit. We want some people to appear before this committee and you do not even want to allow that to be debated. You would like us to go home and pretend there is no functioning of this Legislature.

I have to remind you that this is an abuse on both counts. This bloody Legislature--if it were a time constraint alone, one could say, as they did back in 1981, that they needed money for the civil service so they brought in closure, but this House sits until, I remind you, March 31, 1983. What in the hell are you doing?

Interjections.

Mr. Martel: No, the fiscal year, it is not a calendar year in this zoo.

Mr. Piché: More abuse to this party.

Mr. Martel: You deserve some.



Mr. Piché: Fine, he admitted there is an abuse going on.

Mr. Martel: I just agreed with him.

Mr. Chairman: Mr. Martel, will you please get back to Mr. Cooke's point of order?

Mr. Martel: I am trying to speak to it, but he keeps interfering.

Mr. Chairman: Mr. Piché, please don't interrupt. Mr. Martel, restrict your comments to the point of order at hand.

Mr. Martel: Let me go back and pick up the pieces before I was so rudely interrupted.

There is no time limitation on the House to get this through. What we have here is an effort to prevent us from using our rights to decide what we think is important in our role as part of the opposition. It is an abuse to the minority to simply come in and say to them: "You can't move any more motions. We have decided that you aren't entitled to move motions."

What the hell are you talking about? Do you think you're in Poland? You would think you're in Poland or some place. You should have Jaruzelski here; you shouldn't have Piché, Jaruzelski would be better.

Mr. Chairman: Mr. Martel, you are coming very close to being called out of order and being prohibited from dealing with this point of order further. On Mr. Cooke's point of order, there are two points to which you will address yourself: one, an abuse of the standing orders of the House; and, two, an infringement on the rights of the minority. Those are the only things you may address yourself to.

Mr. Martel: I am talking about an infringement on the rights of the minority to be heard.

Mr. Chairman: Fine, stay on that.

Mr. Martel: I am saying that when this sort of thing occurs, one can liken it to what is happening in Poland where people in a minority don't have rights. What you are saying is that we don't have a right to present our position in this Legislature on behalf of the people we represent by this God-damned motion. That's where we're at in 1982.

Mr. Piché: With this language, the news media--

Mr. Chairman: Mr. Piché.

3:40 p.m

Mr. Martel: It is not necessarily in this society. If I cannot liken it to what is going on in Poland--by the way, I am told that I am in good company with Cardinal Carter and Bishop--



Mr. Chairman: Mr. Martel.

Mr. Martel: I am speaking about our rights as a minority to be heard. That, to me, is being denied, if this motion is entertained by the chair. Not even you Tories can deny that. You are denying us the right to motions as we as an opposition see fit.

Let us think about it for a moment. What you are in fact saying, "We will not, because we have a majority, countenance opposition; we will simply use our numbers to deny people their rights to be heard." That is what you are doing. You might not agree with the way that we are doing it, but we are doing it under the standing orders of this Legislature. You are preventing us from doing that under the standing rules of the Legislature.

What you are saying is that the opposition does not have the right to do it. I ask the Conservative members to think about it, not in terms of just today's piece of legislation, but what you in fact are doing. It is dangerous.

I understand the government wants the bill. But, Mr. Chairman, if you accept it, you are accepting that principle, and I do not think you want to do that. I am not sure that most of the Tory members want it that way. Now the member who moved it might, but I hope that other members, somewhat more enlightened, would say, "Now wait a minute, this carries it too far." So therefore, they would not infringe on our rights.

Let me turn to the second point.

Mr. Chairman: No, you have been on the second--

Mr. Martel: Yes. I am going back to the first. That the motion is an abuse of the standing orders, and I think it is.

Mr. Chairman: In what way?

Mr. Martel: Mr. Chairman, we have a right in here to debate, so long as we are doing it within the framework of the legislation, and the rules and regulations that operate in this Legislature. It is totally out of character in this sort of system that one could use a motion in an effort to stifle debate, and I consider that to be an abuse of the standing orders. That is not what they are there for.

They are there to protect, and ensure that the House operates, sometimes a little rowdy, sometimes not so rowdy, but that we stay within parameters that have been put together in rules that a joint committee of this Legislature agreed to. To try to circumvent that in the fashion being done, I would suggest to you, Mr. Chairman, is out of order.

If the government thinks, Mr. Chairman, that they will end the debate on this bill by proceeding in this fashion and doing away with my rights and doing away with the orders, then one could suggest as we did on second reading of the bill, it was going to be a long debate. But I suppose we could feed the material into a speaker where we could run one person leading off, if one so

desired, for four, five, six or seven days. I remember my colleague, the member for Nickel Belt, federally, spending about nine hours. He danced a little, he sang a little. He did everything going.

Mr. Jones: That is what Mr. Piché is upset about.

Mr. Chairman: Order.

Mr. Martel: No, we are not doing that. That is exactly the point. We are not doing that, my friend. That is why it is out of order; his motion should not be accepted.

Mr. Chairman: Mr. Martel, the standing order.

Mr. Martel: The speeches that have been made, whether you agree with them or not, have not been an abuse of the rules. They have been--if one looks back to the speech of the member for Welland-Thorold (Mr. Swart), it was carefully thought out, with the chronology of the development of Bill 100 and how this bill would affect it. Those were not efforts to abuse the rules. They were well-thought-out and well-prepared speeches.

Mr. Chairman: The standing order does not refer to an abuse by anyone. The only abuse it refers to is Mr. Piché's motion. Restrict yourself to whether his motion is an abuse, not as to whether your party has been abusive.

Mr. Martel: You get the interjections. My friend says if I suggest that we could run someone for nine hours speaking--he said that is what Mr. Piché is saying you are doing. We are not doing that.

Mr. Jones: You are trying to do that.

Mr. Chairman: Mr. Martel, please pay no attention.

Mr. Martel: I should not answer the interjection. I understand that.

Mr. Chairman: Yes, that is correct.

Mr. Martel: What has been advanced by both members who have spoken from the government side is that we are abusing. You just heard Mr. Jones say that. I think if you were to rule that was not the case, you would have to explain to us precisely where we were abusing the rules.

Mr. Chairman: Mr. Martel, I have two questions to me that I must decide. Then I must rule. My hands are tied. I only have one choice: it is those two questions. It has nothing to do with whether you have been abusive, your party has been abusive or anyone has been abusive of the procedures of the committee. That is no question for me. That is not in my domain to decide.

Mr. Martel: I tried to explain to you why this motion has been placed. These people are putting it there because we have been abusing the rules. I am saying to you that their motion is an

abuse of the rules, and you must rule on that. I only ask you to consider the interjections--

Mr. Chairman: No, I am not considering interjections.

Mr. Martel: Let me finish before you interject. I suggest you have to consider the interjections because they are at the basis of the motion that has been moved by these individuals. I am saying to you if that is the only defence, you must say, "No, I cannot accept it because you are attempting to abuse the rules against the opposition parties, the first section, which we have not been doing." I think they are doing that by introducing this because they do not have a leg to stand on.

They say we are playing around. We are not. This is very serious business. I am saying that they are abusing the standing orders.

As I say, I want to go back to my other point, the rights of the minority to speak. I would suggest to you that on both counts--not one--you are on safe ground not to entertain the motion as it has been presented. With that, I have will have a little rest.

Mr. Rae: Mr. Chairman, as you pointed out, you have two questions to decide. You have to decide, first of all, whether or not this motion is an abuse of the standing orders of the House. Second, you have to decide whether or not it is an infringement of the rights of the minority. I want to address myself to both those questions.

First of all is the question of whether or not this motion is an abuse of the standing orders of the House. How do we interpret the phrase "standing orders of the House" and what do we interpret as an abuse?

The standing orders of the House are obviously the standing orders and I would submit to you they are the standing orders as they have been interpreted and as they have been decided upon by various officers of this House or of other houses, when faced with similar procedural motions.

As I understand this motion--and I am speaking to the point of order but one does have to refer to the motion--it is an attempt, first of all, to cut off discussion on the amendment. It is an effort to prevent anybody from moving any subsequent amendments, and it is an attempt to preclude all discussion on any amendments whatsoever.

I would submit to you that motion is out of order. It is out of order because--talk about a wraparound mortgage--it wraps around and compresses in one fell swoop a number of things which can't and shouldn't be compressed.

3:50 p.m.

First, it presumes that there is no amendment currently on the floor. There is an amendment currently on the floor and there



is an amendment which is currently being discussed. That is the question; not the original motion. The amendment itself is the question which is now being discussed.

The motion which has been put forward pretends there is no such amendment on the floor and that somehow the government can ignore that amendment and leap back to the original motion. In terms of the interpretation of parliamentary procedure, I don't think it's possible to ignore the amendment currently before the committee.

Mr. Chairman: Sir, I ruled on Mr. McClellan's point order before you arrived on that very question and on the precedent of one year ago of Mr. Speaker Turner. It is quite clear that it goes to the original motion and--I used my Oxford expression--leap-frogs the subamendment and the amendment and goes to the original motion. That is the precedent of this House within the last year.

Mr. Rae: I appreciate the decision of Mr. Speaker Turner, but I want to put to you that there are other cases. I want to put to you the clear wording and the clear understanding that the question which is currently before this committee is the amendment. I want to speak very briefly to that, because it leads me to my second point.

What is the importance of the amendments we have been moving and the amendments that we have indicated to the committee that we will continue to move? This, in a sense, comes to the second point but it's still part of the first point. The importance of the amendment that has been put forward and that is currently under discussion, is that we, in our party, feel very deeply that Bill 179 is an affront to freedom of association and to the rule of law in this province. That is the reason why we asked the Attorney General of this province to appear before the committee.

Mr. Chairman: This is not addressing yourself to Mr. Cooke's point of order.

Mr. Rae: It certainly is, Mr. Chairman. With great respect to you, sir, when a procedural motion has been put and there is an amendment to that motion, that is the question which is currently before the committee. You can't understand the words "infringement of the rights of the minority" unless you deal to some extent with the substance of what those amendments are about.

Mr. Chairman: I understand your line of thinking, but I have already ruled on that with Mr. McClellan. He put it very well. He referred to 1874 authority and it has been ruled on.

Mr. Rae: With great respect, I think I should be allowed to complete my remarks and you can then make your ruling with respect to the point of order.

Mr. Chairman: Within the point of order.

Mr. Rae: I am trying to be as specific as possible in dealing with the two questions which are before you: What is the



interpretation of the phrase "abuse of the standing orders of the House" and what is the meaning of the phrase "infringement of the rights of the minority." I think you should understand that if you rule this motion in order you are preventing anyone in this committee from asking of the government that certain ministers appear before this committee. You are preventing us from doing that.

You are preventing us, for example, from moving a motion with respect to the Minister of Health (Mr. Grossman) when the legislation that is before this committee affects the Ontario nurses; it affects hospital workers; it affects people in the public sector who are directly working for, under and with the Minister of Health.

You are preventing us from cross-examining a minister whose contracts with these employees are being broken. You are preventing us from asking questions of other ministers whose employees' contracts are also being broken. You are preventing us from asking questions of the Premier himself in committee.

If I may say to you, sir, if you rule this in order and if you do not see this attempt to leap-frog the amendment that was currently being discussed with respect to the Attorney General, and if you prevent us from calling him, or from at least debating fully the question of whether or not he should be called, if you prevent us from debating the question as to whether or not the Minister of Health should be called, I would suggest to you that you are infringing our rights.

I would suggest to you that you are interpreting this legislation in such a way that it simply does not bear interpretation. There can be no denying that what this legislation does is to break contracts which have been signed, to affect relations between employees of this government and to affect relations between various ministers and their employees.

I can understand why the motion was moved. I can understand the embarrassment of the government when faced with the realization that the ministers who are going to be carrying the can for this piece of legislation haven't been allowed by the Premier to appear before this committee.

Mr. Jones: That's nonsense.

Mr. Rae: It's not nonsense. If you wanted them to appear, where are they?

Interjections.

Mr. Chairman: Mr. Jones, you are next. Mr. Rae has the floor.

Mr. Rae: This legislation, it seems to me, is of sufficient importance that we should be allowed, and indeed any party should be allowed, to call witnesses before it in terms of the ministry which is going to be responsible and going to be affected by this legislation. Quite succinctly and quite bluntly,

if you allow this motion to stand and if you allow this closure to take place by means of this compression, by means of this leap-frogging, you are preventing us from expressing a point of view to this committee and from moving a motion in this committee which would have the effect of calling the Minister of Health before it.

In fact, sir, if I may put it quite as bluntly as this, you would be covering up for the Minister of Health. You would be covering up for the Attorney General and you would be covering up for the Premier himself. I would submit to you that you are an officer, not of the government, but of this committee and that we in the minority have no one to rely on but you to recognize that while it may take a little time and while it may not be the most convenient thing in the world for a government to accept, we do, as a minority, have a right to put a motion before this committee that certain ministers should appear before it.

That is precisely why standing order 36 is there; that's precisely the meaning of 36. We are protected by standing order 36. That's why it refers to an infringement of the rights of the minority. I would submit to you that if you allow this motion to stand and allow this closure to be imposed in this way, you are not only doing us an injustice but you're also doing an injustice to those employees who will feel that the minister who is in charge of their legislation and responsible for the legislation should be the person who is appearing before the committee.

Mr. Cooke: Mr. Chairman, a point of order.

Mr. Chairman: We are on a point of order.

Mr. Cooke: Then a point of privilege.

Mr. Chairman: Point of privilege, Mr. Cooke.

Mr. Cooke: In view of the precedents that are being discussed on this point of order and the copies of the various motions that may eventually be put if you rule this closure motion in order, I would like to ask that if you could grant us an adjournment time before you make your ruling in order for those particular documents to be prepared for all members of the committee so that all of us have this information while we're debating this point of order. I would ask for a 20-minute adjournment.

Mr. Jones: Mr. Chairman, on Mr. Cooke's--

Mr. Cooke: I'm asking the chairman if he will grant that as a simple request.

4 p.m.

Mr. Chairman: No. Having regard to the precedents we have had over the past three weeks or so on, I am quite sure that every time we come to a vote or a division, there will be 20 minutes asked anyway.

Mr. Renwick: Mr. Chairman, may I speak to the same point of privilege?

Mr. Chairman: Yes, Mr. Renwick.

Mr. Renwick: What my colleague Mr. Cooke has asked is quite reasonable. I think that every member of the committee, every voting member of the committee and every other member of the House who is sitting here today is entitled to have in front of him first of all, the main motion; secondly, the amendment to the main motion; thirdly, the subamendment to the motion.

Each of the members is also entitled to have in front of them a copy of Mr. Piché's motion. Each member of this committee, the voting member or not, is entitled to have before him a copy of the ruling of the Speaker in 1874 and a copy of the ruling of the Speaker in 1981. This is so that there will be an opportunity, before we create another impossible decision in this House, to know what we are talking about, what we are voting upon, and in addition to that, to give us an opportunity to further consult the precedents on this question so that you, sir, are not put in the invidious position of risking making an erroneous decision.

I think it is a very reasonable request that we simply say to ourselves that since we have been at each other now for well over three quarters of an hour, let's cool it for half an hour and get it sorted out. Rather than be arbitrary about it, as we have plenty of time I would ask for the adjournment for half an hour. We could reconvene at 4:30 and proceed. I think that it is a very reasonable request that my colleague has made and I ask you, sir, to consider it.

Mr. Jones: On the point of privilege, Mr. Chairman: I can appreciate Mr. Renwick's comments about wanting to have as much information in front of him in a capsule form about the various motions that have been put. We have found that the committee has been able to deal with the multitude of amendments and subamendments and keep the members supplied with an update of those as they have moved along.

But, from my own point of privilege, I was in the stride of just making a few brief comments to the point of order about the infringement of the minority rights. I think that is a pretty serious allegation that is being levelled. Mr. Rae has joined the debate perhaps not completely aware of some of the debate that has taken place, some of the commitments made by the Treasurer, who is carrying this bill as a senior minister, as to the expertise--

Mr. Chairman: Mr. Jones, could you--

Mr. Jones: --available to this committee to do its work. Mr. Rae and other members--

Mr. Chairman: Mr. Jones, you are on my list after Mr. Rae as the next speaker to Mr. Cooke's point of order. But right now you were speaking to Mr. Cooke's point of privilege, which Mr. Renwick has already referred to.



Would you keep your comments on that point of privilege, as to whether or not we get Mr. Cooke's 20 minutes or Mr. Renwick's 30 minutes to gather up papers?

Mr. Jones: I disagree with them. I do not think that it is necessary. I appreciate his point of privilege, but I think that with you in your office, Mr. Chairman, and the clerk who has attended us so well through these many weeks, I feel confident you can supply us with the information so that we can get on with the job.

We have had those many 20 minutes that no doubt frustrated my colleague as he put his amendment. I know that Mr. Martel does not like to hear it referred to, but we have had, I think we all have to admit, an awful lot of suspension of the functions of this committee.

Mr. Wrye: And a couple of times by you.

Mr. Jones: Perhaps a couple of times against--how many other times? We have the Treasurer, who is the senior minister carrying this bill, prepared to attend on us and to get on with the bill. Nothing has precluded the commitments he has made to this committee before, and I just want to remind you what they were, namely, to supply the expertise, perhaps call all he may--

Mr. Chairman: Mr. Jones, get yourself back on the topic.

Mr. Jones: I think we need a break, Mr. Chairman, at this point.

Mr. Chairman: Thank you. The chair is going to rule in favour of Mr. Cooke's 20-minute adjournment. May I explain why? There are several new committee people, as Mr. Renwick said somewhat indelicately earlier, but some of his comments were true. Therefore, I will allow 20 minutes to gather up copies of the motion.

The committee recessed at 4:06 p.m.

4:37 p.m.

Mr. Chairman: Gentlemen, we are well past the time. I hope that we now have all of the motions circulated, including Mr. Piché's.

We have allowed the 20 minutes. Now we are back to Mr. Jones, speaking to the point of order of Mr. Cooke.

Mr. Jones: Mr. Chairman, if I understand Mr. Cooke's point of order, he was speaking to the proposition that his party's minority rights were being infringed and that debate was carried by others, including the House leader and leader of the New Democratic Party, who attended and joined the committee debate.

As I understand it, the proposition as Mr. Rae put it is that somehow or other the government was trying to prevent



ministers, and I believe he mentioned the Premier, from attending the committee to provide the expertise the committee needed as it moved further with the attention of this bill in clause-by-clause debate.

I believe, Mr. Chairman, a couple of points are important. Certainly, in three weeks I believe there have been no fewer than 10 subamendments. If the New Democratic Party felt that somehow or other it could not make its debate on those 10 subamendments in three weeks--and some of those subamendments, I believe, took something in the order of a couple of days--then certainly we would have to question as members whether we have been judicious with the time.

As Mr. Cooke and others have talked about the infringement of minority rights, they have brought into question just what this committee has been doing; whether there has been, I guess, a judicious use of their time. We certainly have alluded to, in the comments on this point of order, just how many times we have had breaks called and have had 20-minute recesses before every vote. I would think, as serious members of this committee, that, legitimate as the implementation of some of those 20-minute recesses may be under the rules, we have to question whether we have used that time in the right and proper way for the duties that were given to us; namely, the consideration of the representations that came before us from the many groups that attended, and then, as we have moved into this debate, about who should attend us, the last one being, of course, the Attorney General (Mr. McMurtry).

I would remind the members that I do not see an abuse of the minority rights when we talk about the subamendments, given that we have had three weeks and no fewer than 10 subamendments. I know that my colleague who puts the questions has had some of his motives questioned somewhat. I can attest, from my sense of his putting of the motion, that he does not see it as an infringement of minority rights. I think it comes as a sincere belief on his part that this is the right and proper expression of his feelings of how he thinks we should be moving within this committee in our next progression of things.

Mr. Mackenzie: They are our rights.

Mr. Jones: We have had three weeks of debate. We have moved all over the map on ministries. I don't know what kind of order you people give them. We have now moved to the Premier and the Minister of Health after debating--

Interjections.

Mr. Chairman: Order.

Mr. Cooke: How many motions have you approved? '

Interjections.

Mr. Jones: The point I am making, Mr. Cooke, is that we have had ample debate from the different people that have come forward--

Interjections.

Mr. McClellan: Get the Minister of Labour out of the closet.

Mr. Jones: --as your leader does, that it is somehow or other infringing on your rights, hiding ministers. The Treasurer is a senior minister of the crown, he is carrying the legislation, and we all know the reasons. It is a major economic bill. He has shared with you the present amendment that has been proposed to be put now.

We will have Dr. Elgie attend for the section on which he has responsibility. The Treasurer has made comments and assurances and that is in keeping with the way he has carried legislation through this House before--not to abuse minority rights but rather to be open and candid, and I think you would have to agree that is the man's style. He has attended in the House during the debates. He has attended here for the deliberations, and he stands ready to attend again today.

Right now he is, I hear, within the precincts of Queen's Park, attending with a minister from Ottawa at on something rather vital, as we all know, job creation.

Mr. Cooke: You actually believe that, don't you?

Mr. Jones: Do I believe he is with Mr. Axworthy?  
Of course I do.

Interjections.

Mr. Chairman: Order. Mr. Mackenzie, Mr. Jones generally observed silence when you were speaking.

Mr. Cooke: What do you mean, generally? I am generally observing it as well.

Mr. Chairman: Would you please generally observe in silence?

Interjections.

Mr. Jones: As to the member's note that the infringement of his minority rights is a factor, we have heard it said by the Treasurer, as the person carrying this bill, that any of the expertise that is needed to assist us as members as we deliberate--and that prerogative remains his as a senior member. I am sure if he wishes to call another member, he will.

I note that Mr. Wrye is about to read Hansard again. But we who are over here know the Treasurer's way and style of going, and it is certainly not one of trying to hide away ministers of the crown, hide away answers, hide away any--

Interjections: Oh.

Mr. Jones: That's not so. That has not been the style of that man and that ministry.

Interjections.

Mr. Chairman: Mr. Jones, try not to be provocative and they won't interrupt you as much.

Mr. Cooke: Mr. Chairman, the member is laughing.

Mr. Jones: No, I'm not laughing at all. I simply say that we on the government side certainly have had a lot of patience and we have enjoyed it and have learned and listened to a lot of valid questions. We have had a good debate of the bill, of many of the sections. So this time has served a good purpose, and I do not see it having been an infringement of the rights of the minority.

Interjections.

Mr. Jones: But there now comes a stage, with three weeks of debate, dealing with 10 subamendments. If we were sitting here two days into this committee, and someone raised the question that this was an abuse, that somehow my colleague was putting a motion to put the question, I might be very inclined to agree with you, on the third day--on the fourth day even. There were three weeks--

Interjections.

Mr. Cooke: You got your marching orders.

Mr. Jones: --and 10-odd amendments. I fail to see where Mr. Cooke's allegation that this is an infringement of minority rights really holds water.

Mr. McClellan: We are not even allowed to speak in the House, isn't that right?

Mr. Chairman: Thank you. There being no further speakers, I shall rule on Mr. Cooke's point of order. He has asked me to make a ruling on standing order 36.

Regarding the first question, no standing order abuse or breach has been drawn to my attention. You have spoken to it but no one has shown that the standing orders have been broken, and I know of none that Mr. Piché's motion abuses. Therefore it passes the first test.

Mr. Renwick: Mr. Chairman, you will recall that I had a point of order.

Mr. Chairman: Yes, you have another point of order.

The second test is as to whether it infringes upon the rights of the minority.

This motion was moved on November 3, 1982, at 11:56 a.m., according to my records. We have spent approximately 33 hours on this motion and its amendments and subamendments. That is according to my records in my folder. Therefore I find that the minority rights have not been infringed with this 33 hours, and that it therefore passes the second test.

Therefore, it appearing to the chair that the motion does not fail either test--

Interjections.

Mr. Chairman: Order.

Mr. Renwick: Mr. Chairman, on a point of privilege: You have my name down on a point of order with respect to this matter before you make your ruling.

Mr. Chairman: Fine. Thank you. You are correct, Mr. Renwick.

Mr. Cooke, I have dealt with your point of order, and it is completed.

Mr. Cooke: Mr. Chairman, then I must challenge your ruling on my point of order.

Mr. McClellan: That is correct. You have made a ruling and the ruling is now challenged.

Interjections.

Mr. Chairman: Mr. Cooke, there is nothing to challenge. You did not give a point--you asked me for my interpretation of the facts.

Mr. Cooke: Mr. Chairman, you just gave a ruling, and I am challenging your ruling. You used the words that you were giving a ruling on my point of order. I am challenging your ruling.

Mr. Chairman: You asked me for a ruling.

Mr. Cooke: I know. You just gave a ruling and I am challenging the ruling.

Mr. Chairman: Fair enough. Those are my opinions and those are my rulings.

Mr. Cooke: And I am challenging your ruling.

Mr. Chairman: I guess so. What are 20 minutes anyway when we have spent so many now?

Do you wish to vote now or call the members in?

Mr. Cooke: We shall call in the members, Mr. Chairman.

Mr. Chairman: How many minutes, Mr. Cooke?



Mr. Cooke: Twenty minutes.

Mr. Chairman: How are we? It is 4:47 p.m. We will come back at 5:07 p.m.

The committee recessed at 4:47 p.m.

5:10 p.m.

Mr. Chairman: Gentlemen, I have listened to Hansard, and Mr. Cooke is more correct than incorrect. While he referred to both tests twice, on fairly heavy balance, it was clear he was addressing himself more to the infringement on the rights of the minority.

Therefore, I am going to take it that we are speaking only to my ruling on the infringement of rights of the minority, and that you are challenging that ruling. We are not dealing with words that I stated as to the standing order abuse. Is that understood? Correct? Fine.

I presume you want a recorded vote as usual.

Mr. Cooke: Yes.

Mr. Chairman: We are voting on whether or not the ruling of the chair will be upheld with regard to the infringement of the minority, which I have ruled upon. Will you answer the clerk with your votes please.

#### Ayes

Dean, Eves, Jones, Mitchell, Piché, Pollock.

#### Nays

Cooke, Elston, Mackenzie, Newman, Wrye.

Ayes 6; nays 5.

Mr. Chairman: The challenge to the chair fails, or, put in a different way, the ruling of the chair is upheld six to five.

Mr. Renwick has a new point of order.

Mr. Renwick: Yes. May I say I have three points of order.

Mr. Chairman: Thank you.

You will deal with them one at a time, and so will we.

Mr. Renwick: May I say to you, sir, because I assumed there would be a certain feeling of horror when I said that, that the reason I want to deal with them separately is so that the issue we are dealing with will be clear. It is not our wish to protract this procedural matter unduly. It has never been our way.

The rules govern the procedure of this House. We must abide by the decisions of the chair, right or wrong, and that is the way it is. I want to make it very clear that this is to clarify the positions. My first point is that I have read the ruling of 1874 and the ruling of 1981. I do not know the name of the Speaker in 1874, but the more I consider the ruling in 1981, the greater respect I have for the Speaker in 1874.

The reason for my point of order is quite simple. The seriousness of the proposition of leap-frogging has to be separately decided. I want the committee to understand that what they are doing--and I have the time before me--is precluding any discussion on the main motion which was placed, plus or minus, at 11:56 a.m. on November 3 by Mr. Brant. We are precluding any discussion on the amendment to the main motion by Mr. Mackenzie, which was moved, plus or minus, at 11:58 on November 3.

We moved immediately thereafter to a consideration of the first subamendment to the amendment to the main motion. Therefore, a decision on my point of order will either upset or confirm this question of leap-frogging the amendments through to the main motion.

In speaking to the particular motion, I want to draw your attention to the precise wording of section 36. There is a reference in section 36 to only two questions: one called the previous question, which my friend Mr. Piché has moved, and the other one called the original question. There is no reference to anything else in there. We know what the previous question is. The question on my point of order, however, is what is the original question? The original question presently before the committee is the amendment to the amendment to the main motion. That is the question. It is my submission, sir, that that is the original question referred to in rule 36.

The second point that I want to make in support of my point of order is that when it is said that the previous question, until it is decided, shall preclude all amendments of the main question, in plain English that means that having moved the previous question, until that is decided, there can be no subsequent amendments of the main question. In other words, you cannot clutter it up by adding some other matter.

Of course, we could not do that anyway because, under our rules, we can only have one subamendment, as I understand the rules of the House. So my second point, sir, is that until it is decided, it shall preclude all amendments of the main question. I spoke of that as subsequent to the time the previous question motion is put. In other words, it speaks in a future sense. From the moment Mr. Piché moved the motion on the previous question, there could be no amendments accepted to the main question. Of course there could not, because under our rules we had the two amendments and they were before us. I simply am saying to you that it is a misinterpretation to say that you can hang the leap-frog argument on the use of those terms.

The third point that I want to make is that the decision of Mr. Speaker Turner in 1981 was made, first, in the House, not in committee, as I understand it; and, secondly, it was made without any reference to the 1874 precedent. Nowhere is there any indication that the Speaker was aware, had directed his mind towards or had drawn to his attention--this is not in criticism; in the heat of debate, these things happen--the existing precedent of 1874. Therefore, there are two precedents which fall to your lot, sir, assuming that for the moment the practice in the House applies in this committee so far as the previous question is concerned.

5:20 p.m.

I was therefore constrained to look up May. I hate to say it, but the only one that I believe is worthy of our consideration is Sir Bernard Cocks' edition of Erskine May's Parliamentary Practice, the 17th edition. Many people refer to the rather casual way in which the 18th edition was compiled.

I referred to the 17th edition, and on page 475, under the heading Closure of Debate and the subheading The Ordinary Closure there is then a statement, "For closure in standing committees, see page 679." I looked to page 679 and what do I find? I quote, and this is in small print and indented, so it obviously is the focus of the question:

"In standing committee (e) in 1946"--this refers to the House of Commons in London--"the closure was moved by the Chancellor of the Exchequer on an amendment to the borrowing, investment and guarantees bill, and was declared by the Chairman to be carried, although the number voting with the majority was less than that prescribed by the standing order. The bill was reported the same day.

"The Chancellor of the Exchequer subsequently made a statement in the House to the effect that as under standing order so and so the closure had been improperly declared carried, he proposed to move that the bill be recommitted to the standing committee in respect of the amendment in question. The Speaker concurred and recommended committal. Recommittal was ordered by the House and the bill was reported again to the House in respect of the amendment."

I cite that not because of the question of the quorum or the majority that voted in favour of it, but from the point of view that the Chancellor of the Exchequer of the government of Great Britain moved closure on the amendment.

I submit, sir, that when there are two conflicting precedents, we look to 1(b) of our standing orders, which reads: "In all contingencies not provided for in the standing orders the question shall be decided by the Speaker or chairman, and in making his ruling, the Speaker or chairman shall base his decision on the usages and precedents of the Legislature and parliamentary tradition."



In the decision that was made in 1981, there was no consideration of the precedent of the Legislature in 1874. The result was that we have a conflict between the two precedents. Therefore, sir, in order to resolve that Gordian knot--and I am very sorry that you, sir, are the one who was elected to solve it--we must have regard to parliamentary practice, and parliamentary practice, I say, is supported by the proposition which I have cited from May, that the Chancellor of the Exchequer moved closure on an amendment to a bill in a standing committee.

I submit therefore, sir, for clarification, that my point of order is that in making the decision between the ruling of the Speaker in 1874 and the ruling of the Speaker in 1981, where the Speaker in 1981 had ignored the precedent in 1874, that you, sir, must look at the parliamentary tradition, and the parliamentary tradition in my view is as I have stated it in the quotation from May in 1946. I rest my case on that matter and ask you, sir, to sustain my point of order.

Mr. Chairman: Now you are asking for a ruling on your first point of order.

You have put in front of me two precedents which I stated previously I had considered: the 1874 one and Mr. Speaker Turner's ruling of last year. Regardless of the merits of the two precedents, under the normal rules of precedents, it is stare decisis.

As solicitors, we were trained in law school with stare decisis. Regardless of what the superior court holds, right or wrong, the inferior courts must follow that. My position is inferior to that of Mr. Speaker. It was set last year. There is no stare decisis intervening precedent, so I must follow his ruling in that regard, regardless of whether I might personally think the 1874 ruling might have more merit in it.

Shall I refer you to standing order 1(b) of the House: "In all contingencies not provided for in the standing orders the question shall be decided by the Speaker or chairman, and in making his ruling the Speaker or chairman shall base his decision on the usages and precedents of the Legislature and parliamentary tradition." I believe Mr. Speaker had the 1874 decision in front of him and any others that you refer to at that point. You will recall his ruling on the Suncor matter was a very serious issue--

Mr. Renwick: He didn't have it in front of him.

Mr. Chairman: It was a very serious matter that he took into consideration overnight.

Mr. Renwick: He never had it in front of him.

Mr. Chairman: Since he had all of those precedents in front of him and had the benefit of them, he ruled in a certain way.

Mr. Renwick: He didn't have them in front of him.



Mr. Chairman: Therefore, I must rule in the same way and follow him. I have no capacity to differ from him.

Mr. Cooke: I must challenge your ruling, Mr. Chairman.

Mr. Chairman: Thank you. Challenge your ruling. Would you wish to vote now?

Mr. Cooke: Yes.

Mr. Chairman: The chair has so ruled and the chair has been challenged. Will you speak to the chair? If the chair's ruling is to be upheld, please vote in the affirmative to the clerk.

Mr. Elston: Your ruling is precisely--

Mr. Chairman: My ruling is that I'm following Mr. Turner's ruling and there is a leap-frogging. Please answer in the affirmative if the chair's ruling is to be upheld.

The committee divided on the chair's ruling, which was sustained on the following vote:

#### Ayes

Dean, Eves, Jones, Mitchell, Piché, Pollock.

#### Nays

Cooke, Mackenzie, Elston, Wrye.

Ayes 6; nays 4.

Mr. Chairman: The chair's ruling is upheld by a vote of six to four. Mr. Renwick you have another point of order.

Mr. Renwick: Mr. Chairman, my second point of order is very simple and straight-forward. I don't know about the other members on the committee or the other members of the Legislature, but I have no recollection in the time I have been around of a situation in which closure has been moved, where the previous question, Mr. Piché, has been moved--

Mr. Piché: I have to take exception that this is closure.

Mr. Renwick: I know of no occasion where the previous question has been moved in a standing committee.

Interjection.

Mr. Chairman: Order. We're into a serious matter. Let's keep it down. Mr. Renwick has the floor.

Mr. Piché: It should not be a closure and I will not interrupt.

Mr. Renwick: I tried to withdraw it politely and say the previous question, Mr. Piché, I didn't mean to cause a volcano to erupt.

My concern, sir, is that as far as I know, closure has not been moved in any standing committee of the Legislature. I can be wrong; I am not a repository of the precedents of this assembly. I assume, sir, that you as chairman of this committee, the Speaker of this assembly and the clerks of this assembly must somewhere have some indication as to whether or not, on any occasion, there has been closure moved in a standing committee of the Legislature.

I would like to understand, sir, whether or not under standing order 84(a), under the heading, Committees, in the standing orders of the House, the rule of the previous question is applicable in committee. That states: "The standing orders of the House shall be observed in committees of the whole House so far as may be applicable, except the standing orders as to the seconding of motions and limiting the numbers of times of speaking."

5:30 p.m.

I want to know whether or not you believe in creating a precedent which will go down in history, in my view, in this assembly. You are saying the previous question can be moved in a standing committee of the Legislature. I submit that it cannot.

Mr. Chairman: Thank you, Mr. Renwick. Yes, the previous question was moved at least once--see how my memory is--in the justice committee since I was elected in, I believe, the spring of 1981. It was while I was in the chair. I am having a little trouble recalling the exact issue, but the previous question was moved. I would ask if Mr. Mitchell could assist me. He is the only member here who was on that committee then--or perhaps Mr. Elston?

Mr. Elston: I think it was in respect to our debate on Re-Mor/Astra.

Mr. Chairman: Yes, it was to do with Re-Mor/Astra, but there was at least one previous question put and carried.

Mr. Renwick: That's shocking. I hope it was not I who moved it.

Mr. Chairman: You may well have been in the room and taken part in the vote. I have no idea which side you voted on.

Mr. Renwick: In that case I wouldn't want to force this matter to a vote until we have found that matter. I don't intend to press that particular point of order to the point of requiring you to rule because we should not act on recollection; we should act entirely on the paper record. Let's get the paper record and I am quite content not to require you to rule on that provided you would, in solicitor's terms, undertake to produce--not for the purpose of controversy--any record that there may be in writing. A scratch of the pen is worth a thousand memories and recollections.

Mr. Chairman: In solicitor's words, I will give you a best efforts undertaking.

Mr. Renwick: Thank you, sir, I know exactly how little that means.

Mr. Chairman: Quite seriously, we will, before tomorrow morning, do our best, but it is a best efforts undertaking.

Mr. Renwick: I don't care whether it is tomorrow morning, but the way these rules are being interpreted, the sooner we get strict about them the better. That's what we've been trying to do in this committee.

If I may move to my third point of order, my third point of order is that Mr. Picné, in moving the previous question under section 36--I don't seem to have Mr. Piché's attention--is by the very motion, abusing the standing orders of the House and that is the point of order to which I want to address briefly my remarks.

Mr. Piché moved the motion and justified himself in moving the motion by stating that we, the New Democratic Party members of this committee, were abusing the--Now I haven't got the attention of the chairman.

Mr. Chairman: I was trying to make arrangements for the question on the previous matter. Carry on.

Mr. Renwick: With regard to the previous question motion moved by Mr. Piché, in his remarks at various times he has tried to justify his position by stating that we are abusing the standing orders of the House. He has not made, if you look at the record, one single statement in support of that proposition.

He has used it already to mislead you, the chairman of the committee, into deciding--as you appear to have done--that we are abusing the rules of the House. You have already ruled that our rights as a minority are not being infringed. Let me be very methodical and clear because the distinction has to be made.

Let me put it this way: Mr. Piché's motion abuses the standing orders of the House. He cannot disguise his abuse of the standing orders of the House by accusing us of abusing the standing orders of the House and therefore provide you, sir, with the excuse for deciding that this motion does not infringe our rights as the minority.

Mr. Piché, in his motion, is obligated to establish the proposition to you that his motion does not abuse the standing orders of the House. I challenge Mr. Piché, who has been rambling in and out of this committee since it was constituted--

Mr. Piché: As has every other member.

Mr. Renwick: --has not followed the proceedings of this committee in any depth.

Mr. Piché: Sometimes you have to leave the room to go to another room.



Mr. Renwick: When he is in the committee, he will be engaged in reading a newspaper if there is one handy.

Mr. Piché: The same as your members. I'm just copying some of your members, Mr. Renwick.

Mr. Renwick: An admission, sir, is always welcome. An admission from you that you have been inattentive to the proceedings of this committee by reading the newspaper, whether it copies my colleagues or not, is irrelevant. My colleagues are not abusing by moving the previous question.

Interjection: Bill 179, that's all I've been reading.

Mr. Renwick: I want to say on my point of order that you cannot out of the euphoria of the times, out of the atmosphere, draw to your support any help in deciding, unless Mr. Piché establishes before this committee that his motion does not abuse the standing orders of the House. You have to decide that on what is said. The mover of the motion on this point of order will now have his opportunity to respond to the question as to why his motion is not--and I repeat not--an abuse of the standing orders.

My point of order is that it is an abuse of the standing orders.

Mr. Chairman: First, I don't read into the standing orders any requirement for Mr. Piché or anyone else to justify and to prove to the chair by words whether or not his motion is an abuse of the standing orders. That is up to the chairman to decide, with or without that assistance. I don't believe it's incumbent upon him.

You stated there is some duty upon him. I do not read that there is any duty upon him in the standing orders. If he wishes to assist the chair in that way, he may, but if he does not, my ruling is in no way dependent upon his words as to whether or not it is. That is in my discretion on what I have observed over the last length of time in the chair.

Therefore, I do well take your point, that that is what I must decide. I'm only taking issue with your words as to Mr. Piché's duties. Perhaps Mr. Piché wishes to expand; otherwise, I will rule on this.

Mr. Piché: I did make my remarks at the start before I placed the motion in front of this committee. I don't plan to repeat myself. I don't plan to do what the New Democratic Party members have been doing--repeating themselves for the last two or three weeks. I've done my job. I have placed it and I indicated at the start why I put the motion.

Mr. Cooke: René, you're repeating yourself.

Mr. Piché: We can move on with the job that we are here for and go on to clause by clause. We've been at it for so long. We know it's a filibuster, and I'm cutting it off.



Mr. Chairman: I am prepared to make the ruling. It won't come as any surprise that I repeat the words that no standing order abuse or breach has been drawn to my attention. For me to find that there has been an abuse of the standing orders of the House, I would have thought it incumbent upon someone to draw to my attention a standing order which had been abused or breached. None has been, so I know of none, and I know of none which Mr. Piché's motion abuses.

Therefore, it passes the other test, if I may call it the second test, having dealt with the first test, having previously ruled on Mr. Cooke's infringement of minority rights question. Therefore, having passed both tests, I have no choice but to allow the question to be put. The wording says "...the question shall be forthwith decided without amendment or debate."

Mr. Cooke: I challenge the chair.

Mr. McClellan: I challenge the chair.

The committee divided on the chairman's ruling, which was upheld on the following vote:

Ayes

Dean, Eves, Jones, Mitchell, Piché, Pollock.

Nays

Cooke, Mackenzie, Elston, Wrye, Newman.

Ayes six; nays five.

Mr. Chairman: The ruling of the chair is sustained. Therefore, the question shall be put forthwith, without amendment or debate.

Mr. Mackenzie: Mr. Chairman, I ask for a 20-minute delay before the vote, until six o'clock. We'll be willing to vote at six o'clock.

Mr. Chairman: It being 5:41 p.m., 20 minutes from now would be 6:01 p.m. Our mandatory instructions are that we cannot sit beyond--

Mr. Renwick: All right, 18 minutes.

Mr. Chairman: Do you wish to go 18 minutes instead?

Mr. Mackenzie: We are prepared to vote at six o'clock.

Mr. McClellan: Eighteen minutes is fine.

Mr. Chairman: Then it will be 5:59 when we vote. Thank you.

The committee recessed at 5:42 p.m.

5:59 p.m.

Mr. Chairman: The motion before this committee is that this question be now put.

The House divided on Mr. Piché's motion, which was agreed to on the following vote:

Ayes

Dean, Eves, Jones, Mitchell, Piché, Pollock.

Nays

Cooke, Elston, Mackenzie, Newman, Wrye.

Ayes six; nays five.

Mr. Cooke: I draw your attention to the clock.

Mr. Chairman: It's six o'clock. We will adjourn until following routine proceedings tomorrow.

Mr. Renwick: Just before we adjourn, on a point of privilege, Mr. Piché, I'd like to withdraw. I inadvertently used the term that you, sir, had misled the chairman. I want to withdraw that.

Mr. Piché: Thank you. I didn't hear it.

The committee adjourned at 6:02 p.m.

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE  
INFLATION RESTRAINT ACT  
THURSDAY, NOVEMBER 18, 1982  
Afternoon sitting



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breithaupt, J. R. (Kitchener L)  
Cooke, D. S. (Windsor-Riverside NDP)  
Elston, M. J. (Huron-Bruce L)  
Eves, E. L. (Parry Sound PC)  
Mackenzie, R. W. (Hamilton East NDP)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Stevenson, K. R. (Durham-York PC)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitutions:

Epp, H. A. (Waterloo North L) for Mr. Breithaupt  
Pollock, J. (Hastings-Peterborough PC) for Mr. Stevenson

Also taking part:

Barlow, W. W. (Cambridge PC)  
Bryden, M. H. (Beaches-Woodbine NDP)  
Conway, S. G. (Renfrew North L)  
Johnston, R. F. (Scarborough West NDP)  
Laughren, F. (Nickel Belt NDP)  
McClellan, R. A. (Bellwoods NDP)  
Miller, Hon. F. S., Treasurer of Ontario and Minister of Economics  
(Muskoka PC)  
Philip, E. T. (Etobicoke NDP)  
Rae, R. K. (York South NDP)  
Renwick, J. A. (Riverdale NDP)  
Swart, M. L. (Welland-Thorold NDP)  
Wildman, B. (Algoma NDP)

Clerk: Arnott, D.

From the Ministry of the Attorney General:  
Fader, J. A., Deputy Senior Legislative Counsel



LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Thursday, November 18, 1982

The committee met at 3:52 p.m. in room 151.

INFLATION RESTRAINT ACT  
(continued)

Resuming consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: Finding a quorum in place, I shall call the committee to order.

I was going to refer to the best-effort undertaking I gave Mr. Renwick yesterday, but I shall leave that until after we have dealt with the vote at hand.

Mr. Renwick: There is plenty of time, Mr. Chairman.

Mr. Chairman: I shall draw your attention to what has occurred. At 5:59 p.m. yesterday, we had a vote on Mr. Piché's previous question motion which was carried six to five at that point. The committee adjourned at six o'clock.

Under standing order 36 we must therefore move immediately into the original question, which is, to refresh your memory, Mr. Brandt's motion originally made on November 3 at 11:56 a.m. Do you wish to have a recorded vote?

Mr. Brandt: Yes, most certainly.

Mr. Mitchell: Under the rules, would it be in order for me to call a 20-minute recess?

Mr. Wrye: What kind of delaying tactics are you guys up to?

Mr. Chairman: Are you asking for 20 minutes?

Mr. Mitchell: Yes.

Interjections.

Mr. Chairman: Order. Twenty minutes has been requested by Mr. Mitchell at 3:53 p.m.

Mr. Epp: I have a point of privilege.

Mr. Chairman: No point of privilege.

Mr. Epp: Do you know how he is going to vote? You don't even know how he is going to vote.

The committee recessed at 3:54 p.m.

4:13 p.m.

Mr. Mackenzie: Mr. Chairman, on a point of order, I just want the record to show--

Mr. Chairman: There is no point of order, Mr. Mackenzie. We shall proceed with the vote on Mr. Brandt's original motion. Committee members will please reply to the clerk as he calls your name.

The committee divided on Mr. Brandt's motion, which was agreed to the following vote:

Ayes

Brandt, Eves, Mitchell, Piché, Pollock, Watson.

Nays

Cooke, Elston, Epp, Mackenzie, Wrye.

Ayes six; nays five.

Mr. Chairman: The motion carries. The Treasurer is with us for his opening statement which, I understand, will be brief.

Hon. F. S. Miller: Unlike the New Democratic Party, I shall deliver on my promise.

Mr. Chairman, I do not propose to take the time of this committee to repeat the government's reasons for introducing the bill now under consideration.

I can assure you that few decisions taken by this government have received so much attention, so much discussion and so much genuine concern in their formation. I do not need to tell you and your colleagues on this committee that a certain degree of interest has followed the bill since its introduction close to two months ago.

Without undue repetition, I would like to take this chance to reiterate some comments I did make back on September 21. At that time I stressed to the members of the House that this legislation is not an attack on any one sector. The time has come when we must all pull back in our demands on the economy, and that includes those in the public sector.

This province has the finest public service in the country. We are simply asking them to moderate the wage increases in the public sector.

Another point I stressed at the time of the introduction of the bill was that it forms but one element in the process of promoting economic recovery. The initiatives Ontario has called for at various federal-provincial conferences, the measures we introduced in my May 1982 budget, and the measures we are

currently developing to stimulate job creation, are all other vital elements in the recovery program.

Turning back to the bill, we have heard a number of constructive representations during the public hearing phase of this committee's work and, in addition, a large number of positive suggestions to improve the legislation have been sent to me directly. As a result of these we have prepared a number of amendments to the bill. I understand these have already been submitted to the committee. In addition, I want to stress that I remain open to further constructive suggestions that will improve the bill.

Mr. Chairman: Thank you, Mr. Treasurer. The Liberal Party critic has the floor.

Mr. Wrye: I shall be fairly brief, though not quite as brief as the Treasurer.

I tabled with the clerk, some two and a half weeks ago, copies of a series of amendments which the Liberal Party will offer for consideration of the committee during its clause by clause deliberations. Copies of these amendments will be circulated to all committee members for their consideration.

I have sat through just about all of the two weeks of committee hearings and I hope and believe that these amendments reflect many of the concerns brought to us by union leaders, by ordinary workers and by representatives of business.

I know that many groups have suggested to us only one change: the total withdrawal of this legislation. I want to reiterate the views of our party that we view the imposition of a restraint program as a necessary, though small, first step in putting this province back on the road to prosperity; but not just any restraint program, and certainly not the restraint program encompassed presently in Bill 179.

The fact is--and witness after witness has spoken to this issue much more eloquently than I ever could--this present legislation is badly flawed. I might add that I have looked at the Treasurer's amendments and I do not see any that will correct any of the worst of the flaws we see in the legislation.

The tragedy is that it need not be so flawed. It can be amended, it can be cleaned up to restore that fairness and that equity, that justice, which will lead to an acceptance of the sacrifice which we have asked our public sector to make.

I plead with the committee members from the Conservative Party, with members of my party and indeed with all members of this assembly to understand that we have asked the public sector for a sacrifice. Now we must indicate, through changes in this legislation, that we are prepared to recognize their contribution by ensuring:

That there is no double jeopardy;

that bargaining rights are preserved in as wide an area as possible;

that those who depend on their salaries for their day-to-day existence are not crippled by restraint;

that all groups drawing money from the public purse are caught by the legislation;

that the Inflation Restraint Board is made accountable for its actions; and finally,

that prices, not just wages in the public sector, will be subject to the same restraint we are asking working people to accept.

Remember again the principle of sacrifice. It is one which must apply, not just to the nursing home worker but to the physicians of the patients in those homes; not just to the telephone receptionist at Queen's Park but to the giant corporation which sets hydro rates in this province; not just to the teachers of our children but to the landlords of our tenants.

I want to say a word about the performance of the New Democratic Party during these hearings. From the first moments when the members of that party set the tone by interrupting questions from the Liberal and Conservative members of this committee, to that incredible performance on the last night of the public hearings when the NDP reneged on an all-party agreement to allow all 11 witnesses to be heard to come before this committee, that party has offered nothing but obstructionism and grandstanding for the galleries. For the NDP, it is almost as if there is no economic emergency in this province, or in this country.

4:20 p.m.

I might just use one example of what I consider to be the fundamentally dishonest approach of that party to these hearings.

Mr. Cooke: But we know who has been dishonest--

Mr. Wrye: Many groups have come--

Mr. Cooke: Many groups of teachers--

Mr. Chairman: Order.

Mr. Cooke: Talk about dishonest--

Mr. Wrye: Mr. Chairman, it's typical.

Many groups have come before us to point out that their wages have not kept pace with inflation in the last several years. I won't debate whether the consumer price index is an acceptable barometer of what we understand is inflation, though I would suggest the committee members might review the testimony of Dr. Begie when he came before the committee.



The failure of the NDP--especially the member for Hamilton East (Mr. Mackenzie) who styles himself a labour negotiator--to ask any of the witnesses who appeared before this committee to estimate the cost of the benefit gains of the last several years, is absolutely incredible. His union brothers and sisters are able to make such calculations.

The United Auto Workers for example, traded off its paid personal holidays for greater wage increases than they otherwise might have won. The members of the NDP remembered that in commenting that the five per cent increase was in the total compensation package and not just wages alone. It seems to me it would have had a little more impact if they had allowed that the same situation had existed in years past.

Mr. Chairman, I want to review and highlight some of our proposed amendments with this committee. We have 19 of them for now, which I hope will be favourably received by the committee members. I also want to express the hope of my party that we can work together to report back to the House a much better and fairer bill than the one given to this committee to study. Let me highlight our proposals.

1. Many of those who have testified before our committee have complained about the lack of due process in the legislation. Our amendment to section 3 restores due process, provides hearings for employees before the board, provides for written decisions with reasons and provides a mechanism for appeal of those decisions.

2. Witnesses have pointed out that the legislation does not mandate a nine per cent increase in the transition year. We are offering an amendment to do just that. We are asking for public sector sacrifice and the least we can do is to protect them from a whim of an employer who might try to circumvent the intent of the increase in the transition year.

3. This bill treats union and nonunion public sector workers differently during the control year in refusing to mandate a minimum increase of five per cent for all workers caught by this legislation. Our amendment would correct that deficiency.

4. One of the most persuasive arguments placed before this committee is the tragic effect of this legislation on those in the lowest income categories, who are simply struggling to make ends meet. We propose to correct that deficiency by mandating a minimum increase of \$1,200 during the control year. Those in the lower economic levels need such an increase just to keep pace with the ravages of inflation.

5. Teachers particularly have made a compelling case against the merit-pay provisions of this bill. We propose to scrap that section of the legislation to remove the double and triple jeopardy it now places some public sector workers in.

6. Many witnesses have already sounded an alarm for this committee on the impact of effectively removing the rights of free

collective bargaining, with the recourse or strikes or binding arbitration, for matters outside the compensation package.

We believe if this bill is for the restraint of compensation, then in limiting the rights of free collective bargaining we should allow the bargaining process to go forward unencumbered in all areas outside that which provide for wages and fringe benefits. We will present an amendment to do just that.

7. We believe the--

Mr. Cooke: Well, you don't support the rights of the teachers.

Mr. Wrye: You just can't give up, can you?

We believe the public sector, indeed the entire population of this province, is aghast that this government has failed to catch the medical profession in this legislation. We are placing an amendment which ensures that physicians will also live in the five per cent world.

8. On the price side, we will present several amendments. The first will allow the board to investigate a price increase on the request of any person, not just a minister of the crown and provides a mechanism for an investigation and report into such increases.

In addition, we will offer an amendment to compel the Minister of Consumer and Commercial Relations not simply to establish economic criteria by which price increases shall be reviewed, but to tell the public what those criteria are.

9. We will offer specific amendments designed to convince a properly sceptical public that this government is serious about creating a five per cent world for the next year, not just for workers, but for everyone. These amendments will provide a rollback to five per cent of the increase in Ontario health insurance plan premiums which took effect on October 1. They would limit Ontario Hydro to a five per cent increase. Finally, they would provide for an increase of not more than five per cent annually by landlords.

We ask our fellow committee members to give serious consideration to all of these proposed changes. Ontario is in a period of economic emergency, as is the rest of the country. Half a million or more unemployed people in our province are demanding action from this government. While this bill does not, in itself, provide the jobs these workers so desperately want, it does provide, in my judgement, the Treasurer of this province the fiscal room to manoeuvre.

In proposing a world of restraint we believe no worker, public or private, employed or jobless, would want us to take a club to those who are spending their working life in public service. The principle of sacrifice by these employees must be accompanied by the principle of justice for each worker and a real

sense of compassion for those for whom the sacrifice would simply be a final crippling economic blow.

Mr. Chairman: Thank you, Mr. Wrye. Your opening statement, Mr. Rae.

Mr. Rae: Mr. Chairman, I want to review for you, the Treasurer (Mr. F. S. Miller) and other members of the committee, the reasons why we feel as strongly about this legislation as we do. It has been said--and I've heard it repeated again today--that we have somehow been obstructionist in our view of this legislation. I think that is a mischaracterization of our position.

Our position is that we are opposed to this legislation in principle. I think that any opposition worth its salt would be opposed to this legislation in principle.

It has been described by the Treasurer as one of the most important pieces of economic legislation the government has introduced, but there are, I think, two very fundamental problems with the approach the government has taken. I want to try to deal with those two questions separately.

Since the Treasurer has been given responsibility for this legislation and since it has been introduced under his ministry and with his guidance and assistance, we can only assume it is being presented to us as a piece of economic legislation.

I say to the Treasurer, and I say quite sincerely, that I know the difficulties he and his ministry have had in wrestling with the very serious recession. It is far more serious than his ministry anticipated and far more serious than we were told at the time of our briefings on the occasion of his May budget. All of us in this committee, in this Legislature and in the province, can appreciate that dealing with a recession of this magnitude and of this persistence presents a tremendous challenge to government. You will find no argument from our caucus on that question.

We have been out front with our view--certainly since I assumed the leadership of our party--that there are steps governments can take which we believe would have a positive impact on the recession. These have not taken either at the federal or the provincial level.

The fundamental problem I have understanding the rationale of this legislation from an economic point of view, is that it takes money out of the economy and doesn't put money into the economy. All the talk we have heard from either Liberal or Tory speakers--and quite frankly, I am not able, without the benefit of a microscope, to distinguish the difference between the positions of those two parties on this issue--seems to be that there is a general sense in the public that something has to be done. I agree with them. That does not mean that anything proposed by the government should be accepted by an opposition party.

4:30 p.m.

I would suggest to members of the Liberal Party that until



they got their marching orders from Allan MacEachen in June they weren't running around the province calling on the minister to break contracts in the public sector. That wasn't the proposal that was forthcoming. It was only when they were told by their compatriots in Ottawa that six and five was going to provide the economic and political salvation of the Liberal Party, that the leader of the Liberal Party in Ontario--or the leader of the community based Liberal Party, or David Peterson's Ontario Liberal Party or whatever name it wants to masquerade under in the province--went trooping about the province over the summer calling on the Premier (Mr. Davis) to do for Ontario what Mr. Trudeau had done for Canada.

It does not make good economic sense for the government to be taking this amount of money out of the economy. When I put that question to the Premier the other day, I said, "How in the name of goodness does it help an auto worker who is out of work or any other unemployed worker who is out of work if a hospital worker can't afford to buy the products which auto workers would like to produce?"

The Premier gave a very long answer saying we had failed to take into account the substantial and extraordinary savings in the mill rate. That would then be passed on to everyone as a result of the differences in payments by municipalities or by boards of education to their employees.

I think that is a totally illusory argument, because it implies that somehow money is being put back into the economy, while the opposite is actually taking place. There is no guarantee in this legislation whatsoever that there will be any substantial reductions in the rate of taxation. I don't know of any municipality that has been able to commit itself--and I stand to be corrected by members who may know--to entering a five per cent world overnight or that somehow taxes are going to be reduced or that mill rate savings are going to be substantial as a result of the measures the government has taken.

Let's look at what this legislation is all about. The economic rationale which many Conservatives give for this kind of legislation--which the Liberals gave for similar legislation in Ottawa--was that the main feature that the recession was having on government was a substantial decline in revenues which was, in turn, creating larger deficits than they had anticipated. The only way in which this deficit problem could be addressed was by the government changing substantially its expenditure commitments and, in particular, changing the commitments it had made by means or contracts to tens of thousands of its own employees.

Let's look at that one argument, because that seems to be the main argument that's out there. There is a terrible double standard at work here. If this government was so preoccupied with the problem of the deficit, why was that not raised a few short months ago when the Minister of Health (Mr. Grossman) was negotiating with the Ontario Medical Association?

It's an alarming fact that there is a direct parallel between the money that is being taken out of the pockets of



workers in the public sector and the additional moneys that were given a short few months ago to the Ontario Medical Association in the negotiations between Mr. Grossman and the OMA. If one were uncharitable one could draw the conclusion that all this legislation is is an effort to take money out of the pockets of nurses and hospital workers and put it into the pockets of doctors.

If this government was so concerned about the size of its deficit, why was it so free to simply to eliminate, holus-bolus, all taxation from small business corporations in Ontario a short few months ago? You can't argue that that tax deal, which was a feature of the budget, was designed to stop bankruptcy. It clearly hasn't done that because bankrupt corporations don't pay taxes.

One could look at a number of examples of government wastage from the bizarre to the ridiculous. One could look at several major and extremely expensive capital decisions, particularly the Darlington project, and wonder, if the government was really concerned about getting some of its expenditures under control, whether this was the only way to proceed.

I must also say I find it ironic to be accused, as I am and as our party is from time to time, by the Treasurer that ours is a party which advocates bigger and bigger deficits and that the Tory party is the one that doesn't believe in deficits. The Liberals in Ontario take it both ways, depending on to whom they are speaking or which group it is that they're addressing as to whether they favour lower deficits and tighter control on expenditure or more expenditure by government.

I want to simply remind the Treasurer that at the time that he made his budgetary statement in May and at the time we were briefed by his officials in May, we were told that the economy was going to miraculously turn around in a short six weeks' time, and that an economy which was admittedly going down hill would suddenly turn around. The reason we were given for that, and the Treasurer and others on his staff gave the reason, was because inventories were running down and it was inevitable that after they had run down sufficiently there would be a tremendous amount of new investment.

We said to the Treasurer and the Premier: "We don't think that's going to happen. We think that unless you engage in some imaginative and creative public investment, unless you do more to encourage private investment through interest rate relief, and through attacking the interest rate problem, the situation is only going to get worse."

The Treasurer said, "Well, if we followed your proposals we would have a deficit of well over \$2.5 billion." I said at that time, "If you don't follow our proposals, you're going to have a deficit that is even higher."

I suggest to the Treasurer that his miscalculation--and it has proved to be a colossal miscalculation, a miscalculation that has cost working people of this province a lot of jobs--is the reason he is coming in here with this piece of legislation today. The nurses and the policemen, the firefighters and the garbage

collectors, the teachers and the custodians of our schools, and the secretaries are paying the price of the Treasurer's complete miscalculation of what was happening in the Ontario economy last May.

This economy has lost over 120,000 jobs since last May. There are substantially more unemployed people now than there were then.

4:40 p.m.

I want to suggest to the minister that there is nothing, absolutely nothing, in this legislation which will do anything about any of those problems. The construction industry is in the doldrums. There is nothing in this legislation to deal with that problem, nothing; not a single new home will be built, not a single apartment will be built as a result of this legislation.

The auto industry is in real difficulties. I know the Premier says that is because the Americans aren't buying enough of our cars, but it is also because Canadians aren't buying enough of our cars and because Ontarians aren't buying enough of our cars. It is also because there is a basic structural problem in that industry that needs some leadership and that needs some investment. There is nothing in this legislation that is going to provide a single job for a single unemployed auto worker, not a thing, nothing.

Somebody made a disparaging remark about my friend, the member for Hamilton East (Mr. Mackenzie). I think Bob Mackenzie knows more about what steelworkers are facing and what the steel industry is facing and what appliance workers are facing and what workers in basic heavy industry in Hamilton are facing than virtually anyone else in this Legislature. There is nothing in this legislation which will produce a single job in those industries, nothing.

Members may point to the rhetoric that says the polls all say that people want to see controls. I'll be coming to that in a moment. But looking at it in hard, tough, economic terms there is nothing in this legislation which deals with the problems of jobs, nothing. There isn't a forestry worker, there isn't a furniture worker, there isn't a miner who can take any satisfaction from this legislation.

I know the Treasurer has tried that classically divisive tactic of trying to drive a wedge between the unemployed and the employed; he has used it in the Legislature, I have heard him use it in speeches. The Treasurer says, "You know there are a lot of people out there who are unemployed who think that five per cent of something is better than five per cent of nothing."

That's a deceitful illusion. It's a deceitful illusion to suggest that by taking money out of the pockets of a nursing home worker or a hospital worker you are doing anything for an unemployed auto worker in Windsor, an unemployed steelworker in Hamilton, or an unemployed miner in Sudbury. If this government thinks that by depressing the level of wages in the public sector

it is going to be doing anything for the private sector, it is deceiving itself and deceiving the public of this province.

That has to be said. It has to be said over and over again. Herbert Hoover committed the fatal error of thinking that it is possible for an economy to strangle itself to prosperity and the Conservative government in this province is making exactly the same mistake.

The government says the purpose of this legislation is to deal with inflation. For the life of me, I don't see anything in this legislation which provides for real control of inflation.

Hydro is an animal, legally and politically in this province, unto itself. It is not subject to the same restraints and constraints as other individuals. It is allowed to establish for itself the price of the product it sells.

We've seen Consumers' Gas increases of upwards of 12, 14 and 15 per cent. We've seen increases in the insurance industry that are upwards of 25, 30 and 35 per cent. We've seen increases in the cost of mortgages that has gone up and down--I would say up and down like a yo-yo but while it has gone up like a yo-yo it hasn't come down like a yo-yo yet. There is nothing in this legislation, in food or shelter or energy costs or basic costs facing working people, facing all people, that could be described as an attack on inflation.

I find it bizarre that a government which is committed to restraint would allow a transaction of the kind we have seen in Cadillac Fairview over the last two months go without being challenged--not challenged on the outskirts, the way it has been challenged by the Minister of Consumer and Commercial Relations (Mr. Elgie) who, with his 11 per cent plus kinds of limitations on resales, thinks that somehow he has become a white knight in shining armour as far as tenants are concerned.

Are Kilderkin Investments or Cadillac Fairview or Greymac, where paper profits in the tens of millions are being registered over the space of a few days, somehow being subjected to the five per cent society? Are they being subjected to a policy of restraint by a government that is determined to see that restraint is something that is exercised? No, and that's the problem.

The Treasurer has to appreciate, the government has to appreciate, that other parties may be prepared, for reasons of their own--and I know they have their own internal difficulties at the moment over this legislation--to pack up and die on a proposal which not only attacks the rights of working people, and I will be coming to that in a moment, but which does nothing. It is a deceitful economic approach which will do nothing to produce jobs in the provincial economy, nothing at all, and it will do nothing to tackle directly the problem of inflation.

I want to conclude on my section on the economy by suggesting to the minister, since it is the Treasurer whom we have here, that in chasing the deficit in the way he is chasing the deficit he is going to be creating a larger deficit for himself



than he has ever anticipated, because by failing to provide economic leadership and economic investment and by failing to do everything that he can to expand the revenue base of this province, the minister has only succeeded in digging a deeper and deeper hole for himself and a deeper and deeper hole for the government.

4:50 p.m.

I said at the outset that no one in this party underestimates the severity of the problem and I can tell the minister that, in my previous incarnation as finance critic and even as leader of our party today, I have had occasion to speak with a good many provincial treasurers and to talk with a good many Premiers about their revenue problems and about what can be done, some of them members of my own party, some of them members of his party, none of them, for reasons he will understand, members of the Liberal Party. There are, thank God, no Liberal provincial governments at the moment.

I am not underestimating the severity of the difficulties that he is facing, but I want to tell him that at a meeting which I held with a number of other provincial leaders of our party, which was attended by one Premier and one former Premier, we looked very hard at the question of deficits and at the question of what could be done in terms of revenue. There was a very deep-seated feeling among all of us that the responsible approach with respect to a provincial management of an economy is to cut down on waste, yes, and to not carry out unnecessary expenditure, yes, but at the same time to do everything possible to expand the revenue base so that when a provincial economy is working at capacity, that provincial economy's budget will be in balance. It is not possible to achieve that objective if you attack the revenue base itself, if you narrow it down, and that is exactly what has been done; that is exactly what the Treasurer has achieved.

I would suggest to the Treasurer that even in terms of what it is he says he wants to achieve for himself and for the government, this approach is doomed to failure because it is an attack on demand in the economy, it is an attack on purchasing power in the economy, and it is an attack on people's ability to make the kinds of purchases which will enable the provincial economy to grow and to expand. That point has to be driven home.

If this legislation was simply an effort to control inflation, or a bill that had some impact on the overall financial limits that the government was going to impose in terms of bargaining approach with a number of employees, or if the Treasurer had come down with a series of guidelines saying that we are going to be insisting in all our negotiations that we would only pay so much money, or whatever, that would be a source of concern for us and there would be an economic argument for us.

I want to suggest to you, Mr. Chairman, and to the committee that there is something much more fundamental about this legislation. If I may say so, this is an argument and this is a



question and this is a criticism of this legislation to which I have never heard a government response, which I must say I find rather surprising, and that is the argument which has been put with such clarity and eloquence by my good friend the member for Riverdale (Mr. Renwick). I myself have put it, and others have put it on a number of occasions in a number of places. That argument is simply that this legislation is an attack, not only on collective bargaining it is an attack on the rule of law itself in the work place.

It was suggested yesterday that somehow the New Democratic Party was not serious, or that there was an element of mock seriousness in our objections to the legislation and in our approach of attempting to delay its imposition, which I have no hesitation in saying is exactly what we are trying to do. I would propose that suggestion completely misunderstands and misrepresents the depth of feeling in our party about what collective bargaining is all about and also what industrial law is all about.

I speak about this subject with some feeling because not only am I a lawyer, but I am one whose work has been almost exclusively involved, both as a practitioner and as a teacher, in the field of labour law and industrial law.

I have heard from some sources that it was felt by many in the government that this approach, the one they were taking, was taken with some reluctance. In fact, I believe the Premier even said publicly the other day that he was reluctant to introduce this legislation. I think he repeated that remark even on Tuesday.

I think that anyone who has an understanding of not simply what collective bargaining is all about but what the rule of law in the work place is all about would be more than reluctant to bring in this kind of legislation. They would be ashamed because this is a shameful piece of legislation. That is why our party feels so strongly about it.

This legislation takes administrative and labour law in the public sector back to the stone age. Basic rights, assumptions of due process, rights to a hearing, rights to a rational, arbitrated decision, all of which have become an essential part of the fabric of public law in Ontario, have been destroyed. They have been replaced by a regime of unilateral power, enforced wages and working conditions, and one-man rule.

Those who know nothing of collective bargaining and the world of employee relations and of employee rights--and I would suggest, if I may, that there are many in the Liberal Party, including its leader, whom I would characterize as being in that position--go around the province saying: "It is very easy, let us have controls. We will not have them just for one year or two, but three years; and we will not only have the controls in the public sector, we will have them in the private sector too."

When the bill was presented, the leader of the Liberal Party did not have any real fundamental objection to this legislation--perhaps it did not go far enough or did not put

workers on the rack for quite as long as he wanted to have them there, and did not add the thumbscrews as well, but apart from that he felt it was an okay piece of legislation and hoped that it would go through without too much debate.

The only thing that fails to take into account is about 100 years of history, just about 100 years of the struggles of working people to build up a set of institutions and rights and a rule of law and a series of statutes which would provide them with some real protection. That's the only thing it ignores--just about 10 or 15 pieces of legislation and about 26 feet of law books and a rich experience of the struggles of working people of all kinds to build up institutions that would provide them with some protection.

5 p.m.

What is collective bargaining all about? Collective bargaining, and the role of contract in collective bargaining, is the one institution which working people have been able to develop, with great sacrifice--many jailed, many blacklisted, many unable to get employment in their own city because there was no employer who would look at them if they had ever been a member of trade union, many facing the opprobrium of the community and of other people for attempting to establish a free trade union.

Collective bargaining is one of the great, popular institutions created by the working people of this province. It is also a procedure and a process which has the support--shaky, not enough; we'd like to see it better, we want to see it improved--of the Labour Relations Act of this province. It has been part of the law and an accepted procedure of law in Ontario since, if my memory serves me correctly from my days of teaching labour history and labour law, 1872 or 1874, when trade unions were no longer considered to be criminal conspiracies in restraint of trade. There are some members opposite who no doubt still consider them to be just that, but that has not been the law in this province for about 110 years.

Mr. McClellan: We suspect the chairman.

Mr. Rae: I don't want to name any names, but I have heard some pretty bizarre statements coming from people about what trade unions and collective bargaining are all about.

Just in case you have forgotten, it has been about 110 years since trade unions have been allowed to organize and bargain in this province without being regarded as criminal conspiracies. It has been a long struggle, one which reached some kind of culmination in the Second World War when workers insisted on being able to organize and able to compel an employer to recognize them, and when the government established a labour relations board that would impose on employers the obligation to recognize a union which represented the majority of the employees in a unit.

In turn, when the war was over, when the War Measures Act was done and there was no longer an emergency and labour relations reverted to being an area of provincial jurisdiction, that legislation became the foundation of the law of Ontario in 1948 and of the current Ontario Labour Relations Act.

It is ironic that one of the features of that act is a world, not only of arbitrated decisions of the labour board with respect to this process of organizing and of certification, but it also created a world of law between those who signed collective agreements and contracts. It created a new world of contract, negotiated between two parties, such that collective agreements, many of which can extend to hundreds of pages, are very complex documents worked out in extensive negotiation and a process of give and take between the parties involved. It has in itself produced a body of law which is rich in its interpretation. Members will be aware that every time there is a grievance, under a collective agreement it can ultimately go to arbitration. Those arbitration cases have been reported in Ontario since about 1951.

It is instructive for people to know that some of the most distinguished minds in our country have been involved in producing some of the basic rules of law governing the employer-employee relationship in so far as collective bargaining is concerned. One of those is the Chief Justice of Canada, formerly a professor of law at the University of Toronto and then on the Ontario Court of Appeal. While he was a professor of law, he was, I suppose one could say, the greatest arbitrator in the province. I am speaking of Chief Justice Bora Laskin.

When I heard the Liberal Party leader's speech about how contracts were not important and that this was no time to be worried about that, and when I heard my Liberal opponent in the riding of York South say once on television that sanctity of contract was not really a problem for him, I was reminded of a decision by Mr. Justice Laskin, which is I suppose one of the most important cases ever to be decided in the course of the arbitration process, on the Polymer case.

In that case, Mr. Justice Laskin made the observation that a union which wanted to get out of a contract or collective agreement or break it--in this case it was to carry out a work stoppage in the middle of an agreement--could not do that. The world of the individual relationship between employer and employee had been abandoned for a new world of collective contract and collective agreement, and there is a solemn commitment on the part of the employees, and on the part of a union that has signed a collective agreement, that they are bound by that agreement.

Many of those workers who in the middle of a collective agreement say they want to go out on strike are fired, and many of them are not reinstated after arbitration. It is the law of Ontario--or at least it was the law, prior to the passage of this legislation and still is the law today and will be for as long as we can make it so--that people who sign their collective agreements are bound by them, and parties to a collective agreement that break it should be punished.

I have described collective bargaining as a popular institution, imperfect like all popular institutions, but such an important advance on the world of arbitrary authority, of unilateral action, where an employer can fire people at will, pick



and choose between employees, pay some people some rate, pay other rates to other people, to say to an employee who is 55, "You have served well, but so long, you're out." It creates a world where seniority can have some protection. Those employees who may not be able to work quite as well or as efficiently if tackled individually would be protected.

5:10 p.m.

I have said that collective bargaining is a democratic institution. I have said that it is an institution with very deep roots, not only in the consciousness and the feelings of people, but also in the legal structure in the body of law of this province. I have suggested to you that this legislation is an attack on collective bargaining. It is also an attack on arbitration. This government has been more reluctant than any other provincial government to allow its own employees the right to free collective bargaining. We in our party view that right as an essential element of what it means to be a citizen in a democratic society.

They have replaced the process of collective bargaining with a process of arbitration covered in a number pieces of legislation effecting hospital workers, nurses, crown employees, firefighters and policemen. While we in our party have always indicated that we have some major philosophical problem with the process of compulsory arbitration, it has to be admitted that a substantial body of law has grown up out of this process.

There are statutes involved which provide for protection of the rights of the individual and protection of the rights of the employee. The basic statutes, whether they be the Crown employees Collective Bargaining Act or any of the other acts affecting workers in the public sector, provide that there shall be arbitrated decisions. Arbitrators shall be independent of the government and with respect to interest arbitration--rather than grievance arbitration--the decisions of the arbitrator shall be binding upon both parties. It will be binding on the government as well as on the employees.

Under the current legislation, if a group of employees ever decided to walk out or to break an agreement or not to live up to one section or one phrase or one clause of that agreement, they would be punished under that legislation and under that collective agreement. That collective agreement is enforceable before the tribunals created by that statute. So this legislation is not only an attack on free collective bargaining, or an attack on the process of industrial law and that structure of industrial law which provides the very minimal protections that employees have, it is also an attack on the world of compulsory arbitration.

Equally important--and again there has been no significant government response to this question from any minister--when we in this party insisted and asked that the Attorney General (Mr. McMurtry) appear before this committee so that he could respond to the arguments which we have made with respect to the constitutionality of this legislation, we were denied that right by the majority on this committee. I believe this legislation poses a direct challenge to the Charter of Rights.



I want to outline that argument. I know my friend Mr. Renwick has outlined it, but I think the Treasurer should hear it again. I am aware of the eloquence with which it was outlined and I want to get my own strong view on record.

Mr. Elston: You might be interested to know that Mr. Mackenzie suggested anyone who tried it after it had been done by Mr. Renwick would pale by comparison.

Mr. Rae: I am aware of that, but as leader I think I have certain obligations to state the position of our party.

Mr. Elston: Second or third, perhaps you are right.

Mr. Rae: The main point I would say to Mr. Elston is what mattered is who came in second or third in York South.

Hon. F. S. Miller: We would say in the province.

Mr. Rae: We are starting.

Mr. Elston: We look to the future.

Mr. Brandt: As always.

Mr. Rae: Mr. Chairman, the Charter of Rights establishes freedom of association. That freedom has never been precisely defined by a Canadian court, but I think it is important to recognize that the Solicitor General of Canada stated in the proceedings of the House of Commons committee on the Canadian constitution--and I am quoting Mr. Kaplan speaking on behalf of the government--"that our position on the suggestion that there be a specific reference to freedom to organize and bargain collectively is that that is already covered in the freedom of association that is provided already in the declaration or in the charter."

Just to give you some background to that statement, you may recall the charter proposed to Parliament was referred to a committee. On that committee, our party asked that the specific words "freedom to organize and bargain collectively" be added to the phrase "freedom of association" so that its meaning would be more precisely understood. We were told by the Solicitor General that those words would be redundant because freedom of association meant the freedom to organize and bargain collectively. That's a statement by the Solicitor General for Canada as to what the meaning of the phrase "freedom of association" is in the Canadian constitution.

In addition to the statement of the Solicitor General, there is a substantial body of international law on this subject that stems from the convention of the International Labour Organization which Canada has signed with Ontario's approval. The basic premise that has been established is that the freedom of association means the right to organize and to bargain collectively. International law has stated clearly that if a right to strike is taken away,

which it clearly is in this legislation, other legislation must ensure--and I am quoting from the chief decision of the ILO in this regard--"adequate guarantees to safeguard to the full the interests of the workers thus deprived of an essential means of defending their occupational interests. The restriction on strikes should be accompanied by adequate, impartial and speedy conciliation in arbitration procedures in which the parties can take part at every stage and in which the awards are binding in all cases on both parties. These awards, once they have been made, should be fully and promptly implemented."

I want to suggest to you, Mr. Chairman, that if we go through some step-by-step procedure we come to the following conclusion: The freedom of association that is referred to in the Canadian Constitution means something. It doesn't simply mean that you're free to join a club or that you are free to associate with certain people. It has a particular meaning in a constitutional sense.

What is that meaning? That meaning is that there is a right to organize and to bargain collectively and there is a substantial body of international law that says that means either free collective bargaining with the right to strike or, alternatively, an arbitration procedure which guarantees input and participation at all times and guarantees that once an award is made it is binding on both parties and has to be implemented according to law.

5:20 p.m.

I would also suggest to you, Mr. Chairman, that the Charter of Rights is supposed to mean something. The charter is intended to protect people and to protect minorities when a majority, for reasons of convenience or whatever other reasons it wants to give, decides to impose something which it wants to impose, regardless of its impact on individual rights or on collective rights as protected by the charter.

I am proud to say that I voted for the charter. I voted for the Constitution. I was one of those in our party who believed very strongly that the history of oppression--there is no other word for it--by the majority of certain minorities, and I am thinking particularly of the Japanese-Canadians and many other minorities, Chinese nationals who were never allowed to become Canadian citizens for dozens of years, has been such that we needed and we now have a charter which makes the rights of individuals and the rights of collectivities more important than the temporary convenience of governments.

The charter is an expression of a determination by the people of this province and the people of this country to put certain limitations on the rights of governments. The charter is a warning to governments that if they go too far, that if they think they can do whatever they want whenever they want, they are wrong. It is an historic limitation on the previously generally accepted view in our Constitution that a provincial or a federal government has the right to do whatever it wants to do within matters of its own jurisdiction.

The Treasurer will know because I know he reads the papers--I have seen him reading the paper today--

Hon. F. S. Miller: I sound the words.

Mr. Rae--that many unions are going to be taking this matter to court. I think the government's approach to this question can only be described as bizarre. We had the Justice critic of our party, who has been a member of this Legislature for nearly 20 years, make a speech on second reading on this legislation in which he outlined, as my friend has correctly stated, with great eloquence--

Mr. Elston: It would have been a shame if he had not been around to give us that eloquent speech.

Mr. Rae: I could not agree more. You have expressed my views entirely.

Hon. F. S. Miller: I agree with that myself.

Mr. Rae: I find it bizarre, if I may say so, that the Attorney General of this province would not have responded in any way whatsoever to the arguments which have been made not only by my friend the member for Riverdale (Mr. Renwick), but by many other people as well.

I must say in passing that I find the attitude of the Attorney General and the government inexplicable in his own refusal and the refusal of the government to appear before this committee. If he feels our arguments are wrong or insubstantial or without any particular merit, I think he could at least do us and the people of Ontario the courtesy of telling us how and why that is the case.

I myself find the logic of the steps which I have outlined for the committee compelling. Freedom of association means something. Freedom of association means the right to bargain and organize collectively. That right includes and means a right to be involved in all stages and a right to impartial arbitration if the right to strike is taken away, "which arbitration is binding in all cases on both parties," if I may quote again the words of the International Labour Organization decision.

I am certainly not going to argue before this committee or guess what a decision of a court might be, but I certainly think we are entitled to the legal opinion of this government with respect to this legislation. I think we are entitled to hear what the cases are. I think we are entitled to hear all of the elements which are before the Attorney General and to hear the opinion of his ministry with respect to this legislation.

We have got bad economics, economics that will not work, that will not have the effect the government claims it thinks it might have. We have an attack on collective bargaining. We have an attack on the process of arbitration itself. We have an attack on, I believe, the Charter of Rights and Freedoms.



If I may say so, I think these are sufficient and compelling grounds for the position we have taken. If an opposition party were to sit back as one of the opposition parties is doing and simply let this legislation go through, that would be bad not only for the economy, but for the rule of law in this province.

I have heard it suggested that because there are polls going in one direction or another, it is somehow wrong for our party or for any opposition party to be taking the stand that we have. I do not know what polling the government has done or what polling it does. I know they poll extensively and from time to time we hear the results. All I do know is that when I canvassed, as I did extensively in York South, I did not hear what a wonderful piece of legislation this was. Even the Progressive Conservative candidate indicated she had some reservations about it, as she did about a number of other things about this government. That did not appear to help her too much in the end.

What I did hear was a sense that the government has to move on jobs and the government has to move on justice. The government has to move to create jobs and the government has to move to allow real fairness in our society. There is nothing fair about this legislation. It is an attack on contracts that have been signed. It is an attack on contracts that might be signed. It takes money out of collective agreements that have already been negotiated--were it not that the government of this province has the authority to change the law at any time that it feels it can try to do so.

5:30 p.m.

If a private employer attempted to do what government is doing and simply step in and by means of unilateral fiat say, "As of January 1 you will be earning five per cent less than you negotiated for," or whatever figure it might be, that employer would be taken before an arbitration board and would be required by an arbitrator to pay over the amounts which have not paid. Why? Because the collective agreement is a document that is binding on both employers and employees.

It is only because the government is playing this game with two hats, the hat of employer and the hat of majority party in the Legislature, that it is able, like some weird and demented fairy godmother, to change something which is one thing into another by the wave of a wand.

I want the Treasurer to know, and I think the Premier knows this as well, that we in this party are not prepared to lie down and die on this question. The other opposition party may be willing to; in fact, I think they have already indicated that they are going to roll over and die and that if we just give them a couple of amendments they will be all in favour of it, but I want to say for the record today--

Mr. Elston--tell me what happened (inaudible) so far the rest of the fellows have supported the government on every single clause in that bill. Talk about rolling over--



Mr. Rae: I can understand why the Liberal members are so upset. I can appreciate the difficulties that are being faced by the members of the Liberal Party because I want the member who has just spoken at such length to know that I have been on a couple of platforms where members of the Liberal Party were there and it depended on what the audience was as to what the line was.

I was on a platform with the member for St. Catharines (Mr. Bradley), and he is a member who stood up and said proudly, "I have never voted for this legislation." It was up twice in the House and Bradley was somehow miraculously absent. He made it very clear that he did not believe in it. He said it is an attack on due process, an attack on industrial justice and on the rule of law, and is very unfair. This was not 100 years ago; this was two days ago in the city of St. Catharines, speaking to an audience of over 500 in his own constituency.

Interjection: Which Mr. Bradley was that?

Mr. Wrye: As usual, he is wrong.

Mr. Rae: I stand corrected. It was Monday night; you are right, it was Monday night.

Mr. Wrye: It has been a long week.

Mr. Rae: It has been a long week for me, I can tell you.

Mr. Elston: You have been here four days already and you--

Mr. Rae: I can understand why the Liberal members are interrupting; I can understand why they are so embarrassed.

Mr. Elston: I observe what your--

Mr. Rae: I can understand your difficulty and I can understand why you are continuing to interrupt. I am speaking about this bill and I am speaking about the position of your party on this bill.

Mr. Elston: You should have a gasometer on it.

Mr. Rae: Bills or positions?

Mr. Elston: You agree with Nelson Riis.

Mr. Rae: I can understand the constant interruptions. I think it was Tommy Douglas who once said that if you throw a stone into a pack of dogs and one of them begins to yelp you know you have hit something; I think I have obviously hit something. I have hit a sensitive chord and I can understand the source of the pain. The pain is that the Liberal Party of this province has folded on the most important question, the most important piece of legislation that has come before this Legislature in a very long time indeed. When faced with basic questions involving the rule of

law in this province, the Liberal Party has nowhere to stand, and when faced with the basic reactionary approach of the government of Ontario on the economy of this province, the Liberal Party is only too ready to say, "ready, aye, ready."

That is why they have been interrupting me in the course of my remarks this afternoon because they know that and because they would have been only too happy if this legislation had gone through this Legislature in 48 hours. They would have been only too pleased if somehow, by some process, it would have been possible to get this thing all through and without anybody having a chance to think about it or deal with it or face the real unfairnesses that exist in this legislation.

I want to suggest to the government and to the Liberal Party that we're not here to convenience them and we're not here to make their life any easier because we have a difficult job to do. Our job is to attempt, by every parliamentary means possible, to convince the government that this is a bad piece of legislation, that this legislation is bad economics, that it is fundamentally flawed.

It's an attack on industrial relations, it's an attack on collective bargaining and it's an attack on the rule of law in the work place. For that reason, quite fundamentally, we are determined to fight this legislation as we go through clause by clause, to point out the impact which each clause will have on particular collective agreements and on particular people, to point out that the glove of steel with respect to collective agreements has been replaced by the Playtex approach when it comes to prices.

The hypocrisy of this government is unbelievable. The contrast in this legislation between what is happening with respect to contracts and what is happening to employees and workers and what, on the other hand, is happening with respect to prices, that contrast is unbelievable.

I referred today earlier in my remarks to the extraordinary set of events which we have seen over the last while in the housing market. There has been a process of speculation. How widespread it is, we are only beginning to discover; who the parties are, we're trying to find out; who they are now, the Premier doesn't think important.

The government has taken not a single step and has done nothing to confront those with real corporate power. Do you know what the Consumer and Commercial Relations (Mr. Elgie) said when we asked him in committee about the speculation tax, why he was not being tougher with the large developers, why he was not being tougher with the speculative profits that were being made, and why he wasn't intervening to deal with this series of transactions? He said, "For me to do that would be to interfere with private property and with private contracts between individuals. It would be very wrong for me to do that."

I want to suggest to the Treasurer that when we see, as we have seen, the ruthless speed with which this government is

prepared to tear up its own contracts with its own employees, that kind of argument just won't wash and just won't work any more. I suggest to the Treasurer that he must be aware that support for this legislation in the public is just not happening, that support--

Interjection.

Mr. Rae: We will see who is wrong.

Hon. F. S. Miller: Where are all the letters flowing in, all the phone calls of support?

Mr. Rae: I could tell you, Mr. Treasurer, that there was a referendum held on this legislation in York South and your party got 18 per cent of the vote.

Hon. F. S. Miller: It wasn't on this issue.

Mr. Rae: It wasn't on this; it was on something else. In conclusion--

Mr. Chairman: You do know we have to go up for private members' voting.

Mr. Rae: I am prepared to conclude right at this point.

The Treasurer knows this and he can convey this to his cabinet colleagues. There is no piece of legislation I have seen since I entered politics four years ago which I am opposing with the force and with the conviction that I and my party are opposing this piece of legislation. It is bad economics; it will do nothing for jobs; it will do nothing to fight inflation; it is an attack on the rule of law; it is an attack on freedom of association; and it is an attack on the civil liberties of every person in Ontario. I can tell the Treasurer if he thinks he is going to have an easy time with this legislation, he had better think again.

Mr. Chairman: Thank you. For the sake of the record, we have completed the opening statements. We will now start Bill 179, section 1. I have now received and tabled a motion. Who is moving that? Mr. Cooke, shall we get that on the record and then break for the private members' vote? Will you carry on, please?

Mr. Renwick: Mr. Chairman, aren't any other members allowed to make supplementary statements?

Mr. Chairman: No. There are no supplementary statements. Mr. Brandt's motion is quite clear. We will move on. Do you wish to move your motion or not, Mr. Cooke?

Mr. Cooke: Why don't we just come in at eight?

Mr. Chairman: Fine. It is not moved. We are then commencing with section 1 and we are stopping at that point. The committee is adjourned until this evening at eight o'clock.

The committee recessed at 5:43 p.m.





STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

INFLATION RESTRAINT ACT

THURSDAY, NOVEMBER 18, 1982

Evening sitting



STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

CHAIRMAN: Treleaven, R. L. (Oxford PC)  
Brandt, A. S. (Sarnia PC)  
Breithaupt, J. R. (Kitchener L)  
Cooke, D. S. (Windsor-Riverside NDP)  
Elston, M. J. (Huron-Bruce L)  
Eves, E. L. (Parry Sound PC)  
Mackenzie, R. W. (Hamilton East NDP)  
Mitchell, R. C. (Carleton PC)  
Piché, R. L. (Cochrane North PC)  
Stevenson, K. R. (Durham-York PC)  
Watson, A. N. (Chatham-Kent PC)  
Wrye, W. M. (Windsor-Sandwich L)

Substitutions:

Jones, T. (Mississauga North PC) for Mr. Brandt  
Villeneuve, O. F. (Stormont, Dundas and Glengarry PC) for Mr.  
Stevenson

Also taking part:

Allen, R. (Hamilton West NDP)  
Breaugh, M. J. (Oshawa NDP)  
Foulds, J. F. (Port Arthur NDP)  
Gillies, P. A. (Brantford PC)  
Kerrio, V. G. (Niagara Falls L)  
McClellan, R. A. (Bellwoods NDP)  
Miller, Hon. F. S., Treasurer of Ontario and Minister of Economics  
(Muskoka PC)  
Philip, E. T. (Etobicoke NDP)  
Pollock, J. (Hastings-Peterborough PC)  
Renwick, J. A. (Riverdale NDP)  
Swart, M. L. (Welland-Thorold NDP)

Clerk: Arnott, D.

From the Ministry of Treasury and Economics:

Bass, J. H., Solicitor, Office of Legal Services  
Davies, B. P., Assistant Deputy Minister, Office of Economic Policy  
Stoodley, G., Director, Office of Legal Services

From the Ministry of the Attorney General:

Fader, J. A., Deputy Senior Legislative Counsel

LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Thursday, November 18, 1982

The committee met at 8:08 p.m. in room 151.

INFLATION RESTRAINT ACT  
(continued)

Resuming consideration of Bill 179, An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province.

Mr. Chairman: We now have a quorum. I call the meeting to order. We are on section 1 of Bill 179.

Mr. Cooke: The bells are ringing, Mr. Chairman. It is probably a quorum call in the House.

Mr. Chairman: Certainly. Twenty-five got there and 20 took off back to committee. Shall we adjourn to the House?

The committee recessed at 8:09 p.m.

8:17 p.m.

Mr. Chairman: It is 8:17 p.m. We have returned from the House from a quorum call. We are sitting in limbo for a moment while I await instructions and information.

Mr. Renwick: Who are you going to get instructions from, Mr. Chairman?

Mr. Breaugh: Who is going to give you the directions? The House is adjourned.

Interjections.

Mr. Chairman: Gentlemen, I am back on the record. This committee will continue to sit under its mandatory instructions until 10:30 p.m.

Mr. Renwick: Will you stop using that expression?

Interjections.

Mr. Chairman: I have the chair and I am speaking, Mr. Renwick.

Mr. Renwick: Mr. Chairman, if there is anything that I dislike in the parliamentary process, it is mandatory instructions.

Mr. Chairman: We are under mandatory instructions of this House.

Mr. Renwick: We are not under mandatory instructions.

Mr. Chairman: You argue it out with the House.

Mr. Renwick: There is nobody in the House to get instructions from.

Mr. Chairman: I have sought and got advice--

Mr. Renwick: From who?

Mr. Chairman: --from the Clerk of the House, and there is nothing which prohibits this committee from sitting--

Mr. Renwick: The Clerk of the House does not run this committee.

Mr. Chairman: I am running this committee, after having sought advice.

Mr. Renwick: I do not care what advice you have sought, Mr. Chairman. You cannot act as a dictator in this committee. The House is adjourned. There is no one to give you instructions about anything. If you can get the three House leaders to give you instructions that it is the rule, then I shall abide by it, but not before.

Mr. Chairman: We are under mandatory instructions of the House.

Mr. Renwick: We are not.

Mr. Chairman: We have been, and we have been taking that position for five weeks--

Mr. Renwick: You have been taking that position. I have never for a moment acceded to that view.

Mr. Chairman: It has been challenged in the House, and Mr. Speaker has not reversed it. Therefore, we consider it to be so. We have not reversed the rule that we are under mandatory instructions and we will continue.

Mr. Cooke: I have a point of order, Mr. Chairman. Are you ruling that this committee must sit even though the House has adjourned for the evening?

Mr. Chairman: This committee must sit even though--

Mr. Cooke: Then I challenge your ruling.

Mr. Chairman: Thank you. Do you wish the usual gathering of members?

Interjections.



Mr. Chairman: Do you wish a recorded vote taken now?

Mr. Cooke: No, Mr. Chairman, I request a 20-minute delay.

Mr. Chairman: It is now 8:22 p.m. We shall recess for 20 minutes and reconvene, after gathering members, at 8:42 p.m.

8:43 p.m.

Mr. Chairman: The chair has been challenged on its ruling that this committee must continue to sit until 10:30 p.m. Will you vote as to whether the ruling of the chair will be upheld and answer the clerk as he calls your name?

The committee divided on the chairman's ruling, which was sustained on the following vote:

Ayes

Eves, Gillies, Mitchell, Piché, Pollock, Watson.

Nays

Cooke, Mackenzie, Elston, Wrye.

Ayes 6; nays 4.

Mr. Chairman: The chair's ruling is upheld six to four. At this point, I think it appropriate to go back to Mr. Renwick's second point of last night, as to the best efforts undertaking to find out whether or not the question had ever been put in committee before.

Mr. Mackenzie: In as much as the government has not been able to maintain control of the House tonight, I think this committee should adjourn, and I would move the adjournment of the committee for the evening.

Mr. Chairman: I take it you are not interested in the ruling for Mr. Renwick. Is that correct?

Mr. Mackenzie: I am moving the adjournment of the committee.

Mr. Chairman: That must be dealt with immediately. Shall it be a recorded vote?

Mr. Mackenzie: If you are not accepting the motion or if you are--

Interjection: We're accepting the motion.

Mr. Mackenzie: Fine.

Mr. Chairman: You asked for an adjournment?

Mr. Mackenzie: Yes.

Mr. Chairman: I am putting that to a vote.

Mr. Mackenzie: We want a recorded vote and we want a 20-minute recess.

Mr. Chairman: I'm surprised.

Mr. Mackenzie: The Tories did it this afternoon.

Mr. Chairman: Fine. It is now 8:45 p.m., so we will meet back here at 9:05 p.m. to vote on whether or not this committee will adjourn at this time.

The committee recessed at 8:45 p.m.

9:05 p.m.

Mr. Chairman: Gentlemen, it being 9:05 p.m., at least according to Mr. Epp's angle, we are now prepared for the vote.

Mr. Renwick: Mr. Chairman, no, after the vote.

Mr. Chairman: A vote on any motion to adjourn must be taken immediately without debate.

I believe you asked for a recorded vote. All those in favour of Mr. Mackenzie's motion to adjourn please reply to the clerk when he calls your name.

The committee divided on Mr. Mackenzie's motion, which was negatived on the following vote:

Ayes

Cooke, Mackenzie.

Nays

Elston, Epp, Eves, Gillies, Mitchell, Piché, Pollock, Watson, Wrye.

Ayes 2; nays 9.

Mr. Chairman: Is anyone interested in the answer to your rulings?

Mr. Renwick: If I may have a brief moment, sir, the purpose of our--

Mr. Chairman: Is this a point of order?

Mr. Renwick: It's a point of order.

Mr. Chairman: Thank you.

Mr. Renwick: Why don't I call it a point of order until I have said what I want to say, and then you could decide, sir.

Mr. Chairman: That isn't unique in the procedures here.

Mr. Renwick: I just wanted you to know, sir, that we moved the adjournment of the committee for the purpose of drawing attention to the inconsistency of the chair with respect to this committee, so that it wouldn't happen again. This committee did not sit on Wednesday, November 10, under the so-called mandatory instructions of the House. We had no permission from the House not to sit, and yet the committee did not sit.

I just wanted to point out to you, sir, that there was, to my knowledge, no change of that provision in the House. Our motion was made with the greatest of respect to you but to simply draw attention to that inconsistency.

Mr. Chairman: That is fair enough as a point of order. May I answer that--and I think I have referred to it in committee--Mr. Wells stood in the House when he made the motion that the House would adjourn from Tuesday on. He made a motion to the House on the Thursday prior to Remembrance Day, which was passed unanimously by the House, that the House would not sit from Tuesday night, until the following Monday. It did not refer to committees because the committees would order their own business.

We then had a vote of this committee which ordered its own business and decided not to sit on that Wednesday, the day preceding Remembrance Day. Therefore, that is no precedent and I take it that is not an irregularity in the rulings of the chairman. Although he might be irregular and inconsistent in other ways, he is not inconsistent in that.

Mr. Renwick: We have to move on and get on with this clause-by-clause discussion or we'll never get to this matter. I don't want my silence to be taken as agreement. Let's get on with the business of the committee.

Mr. Chairman: Let me put to bed this question of the previous question. It was moved twice by the member for Port Arthur. Mr. Foulds moved the previous question twice last year in 1981. It was also moved by Ms. Bryden in 1979 in committee. It went once each way. The previous question was put once on Mr. Foulds' motion and was not put once. It was also placed in the justice committee May 28, 1981, twice that day, once by Mr. Williams and it carried and once by Mr. McQuarrie and it did not carry. I was in the chair. There are five precedents, sir. Is that sufficient?

Mr. Mackenzie: That still makes it closure.

Mr. Foulds: Would you like to cite the circumstances of those motions?

Mr. Chairman: No, because Mr. Renwick doubted whether the question had ever been put in a standing committee before. That is the only point. It has been put five times in the last three years.

Mr. Foulds: Would you like to consider the circumstances?

Mr. Chairman: No. The circumstances are irrelevant.

Mr. Foulds: A point of privilege, Mr. Chairman.

Mr. Chairman: A point of privilege must be given. Yes, go ahead.

Mr. Foulds: First of all, Mr. Chairman, the motion I made on that occasion was not in committee. We were discussing and debating with reports on Thursday night, a night not unlike this, on which the three House leaders agreed that there would be two reports discussed that evening. The first report was to be finished between 9:15 and 9:30 p.m. As I recall, the discussion on that report dragged on quite considerably.

The second report dealt with the closure of the Lakeshore Psychiatric Hospital on which there had been a committee from all three parties. The time for which my colleague Mr. Lawlor would be able to speak was rapidly diminishing. I suggested that the first item of business--

Mr. Chairman: I must interrupt you on your point of privilege because you are on the wrong route. This was on Thursday, May 14, 1981, in the standing committee on public accounts. You moved it twice. It had nothing to do with the circumstances you are discussing. Your point of privilege is out of order.

Order. Let us get on with clause by clause.

Mr. Renwick: My name was not on the list.

Mr. Chairman: Order. Shall we deal with Bill 179.

On section 1:

Mr. Chairman: Shall section 1 carry?

Mr. Mackenzie: No. We have an amendment.

Mr. Chairman: Fine, I am glad to hear you say it. I am elated.

Mr. Mackenzie moves that clause 1(a) of the bill be struck out and the following substituted therefor: "(a) 'Commission' means the Fair Prices Commission."

Mr. Chairman: You are moving that in lieu of Mr. Cooke?

Mr. Mackenzie: Yes, I am.

Mr. Chairman: Fine. That is received at 9:12 p.m., 1982. Thank you. Mr. Mackenzie. Your comments please.



Mr. Mackenzie: Very briefly, we feel if this bill is going to have any element of fairness whatsoever, the area that has to be strengthened considerably is the section of it that deals with prices and what people whose wages you have decided to restrain to such an extent are going to have to pay for goods, services, utilities and so on in Ontario.

We simply feel that to call this the Inflation Restraint Act makes it dishonest from the word go. We can see nothing in it that is going to be restraining in terms of inflation. As a matter of fact, it is our argument that it is going to be quite the contrary. We feel it would be misnamed to the point almost of dishonesty to call it an Inflation Restraint Board.

We feel that if there are going to be amendments, as you well know, from all three parties, but certainly from our party, that deal with strengthening the one area that would be of some use to the people of Ontario, that is the prices section of the bill. We feel to say "Commission means the Fair Prices Commission" is a much more accurate name for the board than Inflation Restraint Board, which certainly gives a totally false impression of what the bill is all about.

Mr. Swart: The member for Hamilton East has outlined briefly the views of this party on the bill that we have before us. What this bill says in its name is, "An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province." May I say, first of all, that to call this board the Inflation Restraint Board is, as has been said by my colleague, almost dishonest.

The name we have for the bill is on the front of it. I guess that is what the bill actually is. It is to restrain the compensation in the public sector of Ontario. That is really the purpose of this bill. Then it says, "and the Monitoring of Inflationary Conditions in the Economy of the Province," in that name which we have before us.

There is no indication that is going to do anything about restraining inflationary conditions. Therefore, to have within a bill, with that name, a board which is called the Inflation Restraint Board certainly does not clearly interpret the intent of this bill.

First of all, we want to say what we believe this bill should be. Secondly, we do not want to leave a false interpretation in this bill with regard to the intention of what this board is going to do. We prefer a fair prices commission and, as you know, we intend to move certain amendments which will give much more strength to the price control aspect of this bill. We have stated over and over that we do not feel that the restraint of public sector wages, the breaking of contracts, is in any way really going to change the price escalation pattern in this province--for that matter, in this nation--with regard to what the federal government is doing.

The Premier (Mr. Davis), the Treasurer (Mr. F. S. Miller) and the Minister of Consumer and Commercial Relations (Mr. Elgie), in their introduction to this bill all stated that the purpose of this bill was to deal with inflation. That was the number one enemy of this nation and of this province. If we take them at face value, then we have an obligation within this party to change this bill so that, in fact, it does something about inflation.

Mr. Chairman, I will read a few brief excerpts from Hansard so we know what the intent of the Premier and the Treasurer was with regard to this bill. The Premier speaking on September 21 made these comments: "We have become mired in the longest recession in post-war history. Unemployment has soared to record levels with well over a million Canadians out of work at present. Layoffs and bankruptcies have become increasingly frequent, symptomatic of the profoundly adverse impact that high interest rates have had on economic activity. Few sectors have been spared. The construction, manufacturing and mining industries, all critical to the jobs and incomes of Ontarians, have been particularly hard hit."

Then he added these very significant words: "Inflation continues to be the major problem. The consumer price index rose by 12.5 per cent last year, the highest increase in more than three decades."

Before I go on and quote from the Treasurer in support of changing the wording of this bill to deal with prices, we should recognize the interpretation of the word "inflation." It is true that in times past--and I can well remember the last war--inflation was considered to be too much money chasing too few goods. That was the conventional and traditional interpretation of the word "inflation." When you had a shortage of goods and too much money, prices went up. That situation, of course, does not exist today. I think we all recognize that. There is not too much money chasing too few goods. So the word "inflation" has come to mean nothing more than price escalation.

9:20 p.m.

I think members of all parties would agree with that. When we talk about inflation--the Premier just did here--we are talking about price escalation. How much in the consumer price index increase last year? The Premier said it increased by 12.5 per cent. So what we are really talking about is not the old traditional inflation, but rather price escalations of the goods and services which we have to buy in our society.

Therefore, for the purposes of the name even, it's much more honest to have as the title of the so-called Inflation Restraint Board the price restraint board. But we want to do more than that to make it a price restraint board. We also want to make it a fair price restraint board or a fair prices commission.

I think it is important that we realize that the purpose of this bill and the purpose of this board as considered by the government of this province, the number one man and the number two

man. I am not sure what category you would put Mr. Elgie in--perhaps four, five, six, seven or eight--but whatever his status is in the cabinet, he has a very important office to fulfil, especially with regard to price restraint, because he has an obligation on price restraint; that's part of his job. Under this bill we have before us, he is a key cabinet minister; there is no question about that. It is important we know what they think is the intention of this bill and what the intention and purpose of the so-called Inflation Restraint Board is.

I have another quote, if I may, from the Premier. It is a very short one because I do not want to take up too much time, but we do want to clearly establish the intent of this Inflation Restraint Board. He further stated, and this was on September 21 again when he was speaking on the bill: "There are those who would argue that to place the need for jobs first is to deny the seriousness of the threat imposed by inflation. Clearly, in our view, that is not true. Ontario has warned at conference after conference, many times, of the link between domestic cost inflation, international competitiveness and the lost export markets and jobs."

I am not sure we would agree with the Premier that inflation is the prime problem in our society. You know, Mr. Minister, Mr. Speaker, Mr. Chairman--I'll get it right yet--

Mr. Chairman: I don't mind those errors at all.

Mr. Swart: I would just suggest to you, Mr. Chairman, you will have to make better rulings than you have here this evening if you expect to get to those positions. That's just an aside and I won't pursue that.

Mr. Chairman: I'm glad that you aren't the one who will choose.

Mr. Gillies: He'll be a minister long before you, Mel.

Mr. Swart: That is perhaps a subjective opinion. I would point out that there is one country in this world, one democracy in this world, that has an inflation rate annually that runs in the neighbourhood of 110 to 150 per cent. That nation, as we know, is Israel. That nation has made immense strides. Their export markets haven't suffered from it. The population, as far as standard of living goes, has not suffered from it. Unemployment has not suffered from that so-called inflation. Price escalation, again, is the real word for it. None of those has suffered because they have all kinds of wages, and even savings, almost everything--pensions and social services--is indexed to that cost of living

If a country has been able to live with that and thrive with that and has not had serious unemployment, I can see no reason why we in this country need to put ourselves in a position where we are going to have a million and a half people unemployed, or have two thirds of a million people unemployed in this province alone, to deal with a price escalation of 12.5 per cent per year.



Mr. Jones: Some of us are with you, Mr. Swart, up to a point, but are you leading up to making a case for inflation--

Mr. Swart: No, I am not.

Mr. Jones: --comparing it with Israel, where everybody serves half the year in the army? Is that a fairer economy than this?

Mr. Swart: I am saying that price escalation is really what we mean when we say inflation. We should, therefore, within the definitions within this bill, deal with the matter of price escalation or price control, rather than having some pseudonym that doesn't really mean what we say.

In the discussion on that matter with the Premier and with the Treasurer--I am going to be quoting from the Treasurer in a moment--we totally disagreed when they said that all of these problems must take second place to inflation. It's only really an aside and I won't dwell on that in any great length, but I think it has some validity and is part of the overall issue that we're dealing with at present.

So there we have the Premier who states that price escalation is the number one problem in our society. Then the Treasurer, on the same date, said this about Bill 179: "First and foremost, this is a program to get inflation under control." What he is saying is that this is a program to get price escalation under control. How you get price escalation under control by rolling back the wages of public employees is a bit beyond my comprehension. Nevertheless, that is the intent of this bill. There can be no doubt about that.

Mr. Jones: What did he go on to say?

Mr. Swart: He said: "It aims to accomplish its objectives by avoiding Draconian measures such as massive layoffs. It lessens the burden of government on the economy. It is a crucial step in this province's economic recovery plan."

First and foremost, this is a program to get inflation price escalation under control. If getting price escalation under control is the purpose, then the board which is supposed to be able to do this should first be given an appropriate name; more important, it should be given the additional powers, which we will be moving in amendments as we go along, so they can really control prices.

I want then to go on, if I may, to the third minister, Mr. Elgie, who spoke on this matter. I have to say, as I said in the estimates, that I was really quite appalled that the minister who is in charge of this Inflation Restraint Board spoke for nine minutes on Bill 179, and not once did he mention his responsibilities under the board.

9:30 p.m.

Mr. Cooke: That's nine minutes more than Mr. Ramsay spoke on this bill.



Mr. Swart: I guess that's true, yes. After all, it may affect a tremendous number of people who have contracts that come under Mr. Ramsay's jurisdiction, but Mr. Elgie is the man responsible for this bill. I see you agree by the nods you made that he is the key minister.

Mr. Jones: He plays a major role in a portion of the bill.

Mr. Swart: Yes, there is no question about that.

Mr. Cooke: Where is Mr. Miller? Did he think the committee had adjourned?

Mr. Renwick: The Treasurer thought the chairman was wrong, so he went home. He is very supportive of the chairman.

Mr. Cooke: I think the chairman should adjourn the committee until the Treasurer comes here.

Mr. Swart: I am surprised my own colleague seems to want--

Mr. Chairman: He is interrupting you, is he, Mr. Swart?

Mr. Swart: Yes, he is.

Mr. Chairman: Order. Mr. Swart says you are interrupting him.

Mr. Cooke: We were just waiting for you to pay attention, Mr. Chairman.

Mr. Gillies: We were listening intently to Mr. Swart and then all these interjections--

Mr. Cooke: We were waiting for the chairman to quit discussing strategy with one of the members.

Mr. Chairman: No, not strategy. My own colleagues are questioning my authority also. Mr. Swart, we share that in common. Would you carry on, please?

Mr. Cooke: I agree with Mr. Mitchell in that case.

Mr. Mitchell: Why do you think I am into the rules?

Mr. Swart: As an aside, I just wanted to point out that the Minister of Consumer and Commercial Relations, who has the predominant responsibility for this bill, did not once mention his responsibilities or the Inflation Restraint Board in his speech in the House. It's preposterous, unbelievable, and yet we couldn't even get him here. He spoke for nine minutes in second reading of this bill and then we tried to bring him before this committee to question him, and we were prohibited from doing so.

Do you wonder, Mr. Chairman, why some of us feel a little bit upset about the members of the Conservative Party? They simply don't want the ministers to come before this committee; they don't want any questioning of the ministers.

Mr. Cooke: There is a real split in cabinet.

Mr. Swart: There may be a real split in cabinet.

Mr. Jones: The government members moved the motion for Mr. Elgie to come before you.

Mr. Swart: I wish there was some split in the Conservative members here and we might get somewhere.

Mr. J. M. Johnson: Why don't you give us a chance and maybe we can say something?

Mr. Swart: I point out to you, Mr. Chairman, that it is the members on that side who are now interrupting you and me. If we're going to win out here, we've got to stick together.

Mr. Chairman: That's right, Mr. Swart. Order, Mr. Johnson, you are on the list.

Mr. Swart: Thank you, Mr. Chairman. I see you and I are going to get along well.

Mr. Chairman: We always have, Mr. Swart.

Mr. Gillies: Are you a gambling man, Mr. Swart? Put the question on section 1 and let's see if we're split. You never know.

Mr. Swart: I want to quote from Mr. Elgie. He deals solely with the matter of what he terms as inflation in his comments in the House. He says: "I think there is a growing number of Canadians, by far the largest number, who honestly believe, as I do, that the key public policy issue facing society and governments today is inflation." That is price escalation again. "From that key public policy issue flow all of the other problems." That's a pretty strong statement, isn't it? The minister says all of the other problems flow from inflation.

As I say, we don't agree with that.

Mr. Cooke: What is inflation again?

Mr. Swart: Inflation is price escalation. It has nothing to do with a shortage of money or shortage of goods. It only means price escalation. The significance Mr. Elgie gives to price escalation is that all the other problems flow from that. If that is true--it is not, but if we take him at his word on the reason for this bill being before us--surely the dominant part of the bill must be the price escalation restraint board. It kind of follows. If you are going to control prices, what you should do is to control prices, and that is really what the price escalation restraint board is. That is what you really should do.

It is something like a double boiler. If you keep the lid on the top of the double boiler, no matter what pressure builds up underneath, nothing boils over. If we have a genuine price control, that then will filter down through all of the inputs. Is that not logical? We are on the same wavelength, and I am sure you would want to agree with me on it.

Mr. Chairman: Mr. Swart, I am still considering your statement on the double boiler that if you keep the lid on the top one, the top will never boil over as a result of the bottom boiling. I am still back considering whether that is so or not, but you carry on, Mr. Swart.

Mr. J. M. Johnson: Cut him off and let another speaker have the floor.

Mr. Swart: Perhaps I should throw in another one here, which I think may be sort of typical of the Conservative members of this committee. They are like the top of a double boiler; they are all steamed up but they do not know what is cooking underneath.

Mr. Pollock: You are a card. You should be dealt with.

Mr. Jones: Were you about to share with us what the Premier had to say along this line, about the recession, post-war history and unemployment and various--

Mr. Swart: I quoted that. As a matter of fact, if he was listening to me--

Mr. Jones: I though you might repeat that for us.

Mr. Swart: Mr. Chairman, I have the floor. Would you like me to repeat that?

Mr. Chairman: No, you cannot. That would be needless repetition. The parliamentary assistant will not interrupt you again.

Mr. Swart: Maybe I should be kind enough to let him have his say now that we have won the point.

Mr. Jones: I am just concerned that you are talking about inflation or something or other.

Mr. Swart: Mr. Chairman, I quoted from the Premier. The parliamentary assistant apparently was not listening. He quoted back exactly what I had quoted before, and now I am even prohibited from repeating that for his edification.

Mr. Chairman: He has it in front of him and I think he can read it, Mr. Swart. Carry on and just disregard the interruptions.

Mr. Swart: I suppose the fact he cannot listen does not necessarily mean he cannot read.

Mr. Chairman: Yes, that is correct. Carry on.

Mr. Gillies: That, however, is not under debate.

Mr. Swart: I could quote the whole nine-minute speech.

Mr. Chairman: That would be reading at length, and I believe the standing orders have something to say about that.

Mr. Renwick: Mr. Chairman, do you know why they changed the rules that you cannot read at length?

Mr. Chairman: I shall bite.

Mr. Renwick: I was reading at some length in the House one night, and they got quite upset and changed the rule. I was reading about the last post.

Interjection: Are you sure it was not about the troglodytes?

Mr. Renwick: It was many years ago.

Mr. Chairman: Was it troglodytic?

Mr. Renwick: No, but it was quite late at night. The government wanted us to sit late for those reasons, so I was reading about the last post, which is about veterans' affairs.

Mr. Chairman: Is this a point of order, sir?

Mr. Renwick: No, it is a point of information.

Mr. Swart: It is obvious the government did not want the House to sit late tonight, Mr. Chairman.

Mr. Chairman: Do you want to hear about the last post?

Mr. Swart: These interjections kind of break the monotony. If I was going to read the whole speech--

Mr. Cooke: Who said it was monotonous?

9:40 p.m.

Mr. Swart: I meant the monotony of interjections. If I was going to read the whole speech, I would interject some comments so you could not say I was reading at length. But I am not going to read the speech, even though it is only nine minutes long.

Mr. Chairman: Carry on.

Mr. Swart: The whole nine-minute speech was really a government policy statement that the major problem facing our society is inflation and that all of the other problems flow from it. He said the purpose of Bill 179, introduced into the



Legislature by the Treasurer, was to restrain the prices in our society.

I think you will recognize that the part of the bill which deals with price restraint is ineffective. As I said previously, we intend to toughen up that section of the bill, to enlarge it and make it a meaningful section so that the wishes of the Premier, the Treasurer and of the Minister of Consumer and Commercial Relations to restrain price escalation can be carried out. Our first move is to change the name of this Inflation Restraint Board to a fair prices commission.

In the House, on many occasions, I have talked about the measures that are necessary if we are really going to restrain prices in our society. We have to have control over those prices. As I pointed out in the discussion here on another amendment which was to bring the Minister of Consumer and Commercial Relations before the committee, I quoted from Mr. Biddell, who is now really the czar of that prices restraint board. I call him the czar and he is the czar. He is the all-powerful person, subject to the minister only in certain areas.

He himself believes that if you are going to restrain prices, that is the area you should zero in on. Let me quote some comments he made, from the chartered accountants' magazine. This bears out what I have said.

He says: "Simply put, high inflation is a continuing unacceptable rate of increase in the prices we have to pay for the goods and services we consume." I think that is a parallel to the comments I have made. "To contain inflation effectively, we must slow down the rate at which prices are increasing. We must control prices." That is Jack Biddell, who is heading up this Inflation Restraint Board, as you call it.

Here you have a person who says that prices should be controlled, yet you do not give him any tools to do it with. Anyone looking objectively at that bill knows the prices section is a sop to public opinion. You cannot sell wage restraint without trying to sell a bit of price restraint, so you put in a facade to indicate you are trying to do something about prices. But that is what it is. It is a facade and nothing more than a facade.

The first thing we have to do, Mr. Chairman--because I do not want to be ruled out of order by you at any time; that would bother me a great deal--is to change the name of it, so he really believes he has a board which is going to do something about prices--a fair prices commission. I'm sure that if Mr. Biddell was here--as you know, we within this party fought very diligently to have Mr. Biddell here--

Mr. Mitchell: Another stonewalling.

Mr. Swart: --before this committee.

Mr. Jones: You wanted half the cabinet and all kinds of other people.

Mr. Swart: That's right.

Mr. Mackenzie: We can't even get the Treasurer here--

Mr. Jones: The Treasurer has been very attentive to this committee and in the House. He said in his opening statements that he would be here, and his parliamentary assistant would be here, and we've been here.

Mr. Mackenzie: Where's the Treasurer now?

Mr. Jones: Where's your leader?

Mr. Mackenzie: Where's the Treasurer? My leader's not on the committee.

Mr. Swart: I would be glad to release the floor temporarily if you would like to comment on Mr. Biddell's statements. I would like to have had him here to ask him exactly what he meant by these statements.

Mr. Jones: I was listening to you, Mr. Swart, until Mr. Mackenzie was distorting the--

Mr. J. M. Johnson: I would appreciate it if you would--

Mr. Swart: You have one of your own members who wants you to tell us what Mr. Biddell means by these statements.

Mr. Chairman: Mr. Swart, do you wish to give away the floor to Mr. Jones? Is that what you are saying?

Mr. Swart: No, I said temporarily. You were getting a coffee and didn't hear my whole statement. I said I would relinquish it on a temporary basis if he wanted to explain Mr. Biddell's comments with regard to what should be done to control prices.

Mr. Jones: We all know Mr. Biddell has expressed some opinions that were referred to in the committee earlier. We know you have an opinion that you have been expressing here. You have the floor. You are expressing your points. We don't necessarily agree with you--

Mr. Wrye: Might I have a point of order?

Mr. Chairman: Point of order, Mr. Wrye.

Mr. Wrye: I would really hope, Mr. Chairman, that you might urge the speaker, who has now been speaking for 25 or 30 minutes, not always on topic, to stick to the topic of the amendment, which I believe--

Mr. Mackenzie: He's right on it

Mr. Wrye: You never give up, do you?

Mr. Mackenzie: No, you like to gag too. It's typical Liberal.

Mr. Wrye: I believe the amendment is to change the name of the board to a fair prices commission. It has nothing to do with bringing in ministers. That is what the amendment is.

Mr. Chairman: I must rule your point of order out of order, Mr. Wrye. Mr. Swart does every so often bring in both the Inflation Restraint Board and the amendment, so he is reasonably in order.

Mr. Swart: I wouldn't disagree with you on that ruling, but to support your ruling, I would just point out that Mr. Biddell, the czar who is going to be administering this, has stated that he believes we should control prices. Therefore, we should give him the tools to control prices by naming the board the price restraint board or the fair prices commission. I think that is right on.

He thinks we should do much more in the way of directly controlling prices. He uses these exact words: "Most people believe this is just what the United Kingdom, United States and then Canada did on their respective anti-inflation programs the last five or six years. The fact is that except for a very brief, temporary price freeze in the United Kingdom and the United States programs, none of us did."

He is saying that none of them really controlled prices. He then goes on to say: "We did not control prices. We attempted to control some profit margins and we controlled wages and salaries and we controlled dividends, all in the hope that by doing so we would inhibit price increases. Our efforts had some success, but not nearly what we might have had and could in fact achieve now if we set about it in a more direct fashion by directly controlling price increases."

9:50 p.m.

I have quoted Mr. Biddell, the person who is going to be the administrator of this Inflation Restraint Board. If that is his belief, should we not give him the apparatus to do it?

Surely the government had some confidence in Mr. Biddell when they appointed him to this. Surely they must have had some idea of his views, his beliefs and the economic policies he advocates. He advocates direct price controls. Surely we should be willing to provide that apparatus for him and give a forthright name to it, such as the fair prices commission.

If we are interested in really giving him the tools to do the job, we would have to go much further than just administered prices. The control of those administered prices in this bill is tremendously ineffective. There are no proposals to set up boards, or a public advocate, or to change the composition of the boards which set those prices so there will be equality between the company which is promoting them and the public which is going to have to pay them.



When we come to this part of the bill, we intend to give both the minister, who says he wants to control prices, and the director of the fair prices commission the tools and the apparatus to control the prices in this province.

To do this we have to go much further than just administered prices, because there are many prices in the other sectors of our society which are unreasonable. There are many prices which have some control in other provinces, you could almost call them administered prices, which have no control in this province.

I am thinking particularly, for instance, of auto insurance rates. There are five or six provinces in this nation--three of which have a New Democratic Party government--which have a public auto insurance systems and therefore the rates are controlled directly by the government.

There is Quebec, which also has control of the auto insurance rates, but is not quite as effective as the other provinces. Then we have Alberta and Nova Scotia, the private-enterprise provinces, which have rating boards. The insurance companies can't increase the rates without getting the approval of those rating boards.

We are not giving any tools to the minister or to Mr. Biddell in this price restraint board to control the price of auto insurance. Are there many in this province who don't think there should be some control over the auto insurance rates?

Alberta, for instance, has had a Conservative government and before that a Social Credit government. Both were private-enterprise governments. They have said the competition is not there, or for some reason they have to control the prices. They say they have saved tens of millions of dollars.

Mr. Jones: No, that's been around a long time. We have a free market system at work here in this province, for example.

Mr. Swart: Don't they in Alberta?

Mr. Mackenzie: Free market? You've got controlled prices and you know it.

Mr. Jones: You see the comparisons in the paper all the time and they show you the different insurance rates.

Interjections.

Mr. Chairman: Order. Mr. Swart, with Mr. Jones, an insurance man, in the room, you really did set him off. You should stay away from insurance.

Mr. Swart: I have only to say about setting him off that he's close to the border, anyway.

Mr. Cooke: With defences like he just put up, I hope he has life insurance.



Mr. Chairman: Carry on, Mr. Swart.

Mr. Swart: Because of the interjection of the parliamentary assistant I wish that I had brought my files on auto insurance with me--

Interjections.

Mr. Swart: --because there was a statement made by the chairman of the insurance bureau that the insurance companies had decided they must get out of this dog-eat-dog war and dramatically increase their rates. In fact, what they were saying is get out of the intense competition they have been in and increase their rates.

Mr. Jones: They're still in it.

Mr. Swart: That's a statement made just this year. That in itself is reason enough why we should have an auto insurance rating board in this province, until, of course, we get the NDP government and then have the ultimate in auto insurance.

Interjections.

Mr. Jones: Tell us about the British Columbia plan.

Mr. Swart: I would like to tell you about the BC plan, because it was so good that even a party which before it was elected said it would disband it if it came into power didn't do so. Neitner did the Conservatives in Manitoba; neither did the Liberals in Saskatchewan; nor did the Social Credit in BC. They didn't dare; it was too good a plan and they didn't dare destroy it.

That's the best proof, Mr. Chairman. There are all kinds of other--

Mr. J. M. Johnson: Why don't you be fair, as an example, and let each party give a presentation for 10 minutes, instead of going on and on for a couple of days.

Mr. Swart: On auto insurance? I'm being interrupted.

Mr. Chairman: Yes, that's correct. Mr. Johnson is out of order. Mr. Johnson isn't really used to the ways of the justice committee and he's showing certain frustrations.

Mr. Gillies: If he's lucky, he never will be.

Mr. Chairman: Yes, carry on, Mr. Swart.

Mr. J. M. Johnson: You don't have anything to say. You just keep talking.

Mr. Gillies: That's the way of the justice committee.

Mr. Swart: I would like to point out, just for your sake, between you and me, when I was a full-fledged member of the justice committee things were different, weren't they?

Interjections.

Mr. Chairman: Order. Yes, we had much better order when you were a full-fledged member. That must reflect upon some of your substitutes.

Mr. Swart: Or else a deterioration of the chairman under pressure.

Mr. Chairman: That's an alternative, too.

Interjections.

Mr. Cooke: This committee ran smoothly until Jack Johnson came in tonight.

Mr. Chairman: Order. Mr. Swart has the floor.

Mr. Swart: I would think with the change of that name to the fair prices commission that we would apply that to auto insurance as well--a fair prices commission.

I'm not going to go into this at length because some of my colleagues have indicated they want to speak on this issue. Within our society where competition no longer exists, or only exists to a degree, this fair prices commission should intervene. I've brought all kinds of examples to the government. The government members, including the ministers, haven't been able to refute those instances.

Mr. J. M. Johnson: How in hell can they when you won't give them a chance?

Mr. Swart: I understand, Mr. Chairman, that Mr. Johnson is on the list.

Mr. Chairman: That's correct.

Mr. Swart: If he wants to speak for two hours--

Mr. Piché: He'll never get on tonight.

Mr. Swart: --and reply to everything I have said, that is his privilege.

Mr. J. M. Johnson: Mr. Chairman, I'll take that up right now.

Mr. Chairman: No, you will have to follow several other speakers. Mr. Swart has the floor.

Mr. Swart: I just want to make the point very decidedly that there are many areas outside of the administered prices where, if a prices restraint board is going to be effective, it must be given jurisdiction.

I would hope the Conservative members when they speak will answer that. Whether you believe or not that there are numbers of

areas, whether it's in such mundane things as the salt we use on our table, or whether it is in ethylene-glycol--

Mr. Chairman: I am afraid you are straying with those. You are straying from the change of name. Really, we are dealing with the change of name.

Mr. J. M. Johnson: Stand down and let me answer the question.

Mr. Swart: Mr. Chairman, I would humbly suggest to you that what I am talking about is the need for beefing up this bill on price restraint and that this applies to the areas outside of the administered prices and that we should, by name, include all prices--not just administered prices, all prices.

I was using those subjects as an indication of the need. However, I will accept your admonition and I will return to speaking about the administered prices which--

Interjections.

Mr. Chairman: Order, Mr. Swart has the floor.

Mr. Gillies: I think Mr. Swart is in danger of straying on to the bill.

Mr. Cooke: Mr. Gillies, you've been in here so often you might not even know what the bill is about.

Interjections.

Mr. Chairman: Order.

Mr. Wrye: Mr. Chairman, I have to go and watch a television report of a reporter chasing the new leader of the New Democratic Party down the stairs today. I will read Hansard though. I did want the members to know that.

Mr. Swart: I understand, Mr. Chairman, as you do, that the Liberals don't stray because they're stuck on the bill. They have regretted now they're stuck with this bill many, many times, but they're stuck on the bill. At least one of their members wouldn't even stay in the House to vote on second reading of the bill, but they're stuck with it.

Mr. Chairman: Order.

Mr. Swart: We are on administered prices.

Mr. Chairman: Yes, you are straying again. Please restrict yourself to the amendment at hand.

Mr. Swart: Yes, but you will understand, of course, it was an interjection that prompted it.

Mr. Chairman: Yes, it is hard to refuse to refute.

Mr. Swart: It's hard to restrain, is the word.

Mr. Chairman: Yes, that's better.

Mr. Swart: I tell you, with this bill it's going to be hard to restrain, too. There won't be any restraint except on wages.

Very briefly, I want to get back to the administered prices, which are in this bill. I point out once again the misleading title that we have given to the board, because when they went under this bill, there was a decision made by one of the boards which deal with the administered prices, and we'll take the Ontario Energy Board as an example, and recognize that there is no fair hearing before that board. Those hearings are not fair between the companies--and I hope, Mr. Johnson, you are listening and will reply to this. Those hearings are not fair between the companies on the one hand, and the public on the other. There is no justice in those hearings.

How can you have a fair hearing of the Ontario Energy Board on gas rates, for instance, when the company has 20 expert witnesses there and two full-time lawyers, and the public, the residential consumers of gas, don't have a soul there?

Mr. Piché: It's this or standing order 36.

Interjections.

Mr. Swart: Those boards are not fair.

Mr. Chairman: Order. Mr. Swart, I would say I think you are straying again, even drawing this parallel. You're straying off the motion.

Mr. Swart: I don't think it is straying from the bill.

Mr. Chairman: No, but we are speaking to the section 1 amendment of Mr. Mackenzie.

Mr. Swart: If we are going to change it to a fair prices commission, which is our intent and which is the motion, if there is going to be a fair prices commission then it is going to have to deal in a very realistic and competent way with the decisions which are made by such bodies as the Ontario Energy Board. Many of these decisions are not fair, giving excessive awards as they did to the Consumers' Gas Co.

We want to add within that fair prices commission, to make it a fair prices commission, the necessary authority for the minister--in fact, give direction to the minister--so the end result of what takes place will be a fair price for those administered prices.

We want, in effect--and I am going to conclude and let some of my--

[Applause]



Mr. Swart: Don't tempt me.

Mr. Watson: Lastly--and he lasts and lasts and lasts and lasts.

Interjections.

Mr. Swart: We intend to make this bill a fair prices bill in name and in reality. That is our objective is and this is the first step, to change the name.

As we go on from here, you will see how each amendment we move will fit into this overall pattern of amending this bill so that it will carry out the wishes of someone like Mr. Biddell who thinks that the main objective in controlling inflation and to control escalating prices is direct control on those prices.

Mr. Renwick: I have very little to add.

Mr. Watson: That is so good.

Mr. Cooke: Mr. Renwick is speaking, not Mr. Watson. He has a lot to add.

Mr. Renwick: I actually have very little to add, but I want to repeat a good deal of what my colleague--

Mr. Chairman: No, Mr. Renwick, you cannot repeat that. That would be against the standing orders as needless repetition.

Mr. Renwick: Oh, no.

Mr. Chairman: Yes.

Mr. Swart: On a point of order, I agree with you that the rules do provide that the chairman shall prohibit needless repetition. I want to point out to you that the members on the other side did not listen or pay attention--in fact, the parliamentary assistant didn't even hear a lot of what I read--he admitted that-- and therefore, even though it is repetition, it is not needless repetition.

Mr. Chairman: That is not a proper point of order. Mr. Renwick, you have the floor. If I don't hear from you fairly shortly I will assume you wish to pass.

Mr. Renwick: I was already speaking to the committee but I had my head turned towards my colleague.

Mr. J. M. Johnson: Mr. Chairman, on a point of order, could you give me the list of speakers?

Mr. Chairman: Yes. Mr. Renwick, then Mr. Cooke, then Mr. Elston, then yourself. Mr. Renwick, you have the floor.

Mr. J. M. Johnson: I'll come back in a week.

Mr. Renwick: Mr. Chairman, my colleague has made a

number of points and I do not have the qualifications or the competence to speak with the knowledge of the economics of the question of price increases and price escalations and what it is about. If I could start with the comment that my colleague made at the end of his remarks, what he was saying to you is that it is the intention of the New Democratic Party to turn this bill into what it should be exclusively, and that is a fair prices bill with a fair prices commission.

One alternative, of course, before the committee--because my colleague has been only able to make a few introductory remarks and it is not the appropriate place to unfold to the committee at this time the full scope of a fair prices commission as we have argued for it for many, many years, and as we will move at the appropriate time when we come to part III, all of the provisions necessary with respect to fleshing out and developing and expanding upon the nature of a fair prices commission as we in the New Democratic Party understand it.

10:10 p.m.

It is open to the committee that, probably with unanimous consent, we could stand down clause 1(a) as it is proposed to be amended and not deal with it at this time, as being quite inappropriate to deal with it until my colleague has his opportunity in the new year when we are dealing with part III of the bill, towards the end of the financial year of the government. Is that a possibility?

Mr. Chairman: We can certainly poll the members and see whether there is unanimous approval for standing it down until the new year.

Mr. Renwick: I do not want to delay the processes of the committee by actually formally moving a motion and asking for a recorded vote on it. With the general good humour which is around tonight and a sense of enlightenment that I see in the government members' eyes, it would seem to me that we would have unanimous consent. I would yield the floor just briefly for the purpose of polling it, and that would eliminate my remarks and it could be stood down to be considered further at some later date.

Mr. Chairman: Is there unanimous consent to standing it down? I heard a couple of nays, Mr. Renwick.

Mr. Renwick: That is most unfortunate.

Mr. Chairman: Yes, we are both surprised and disappointed.

Mr. Renwick: It tends to destroy my sense of the co-operation that was beginning to develop in the committee, particularly starting yesterday afternoon and continuing this evening.

Let me talk to the other side of the deliberate ambiguity of the government in calling this an Inflation Restraint Board. My colleague, quite properly, has spoken about the need to change the

name, having regard to the full title of the bill, An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province--

Interjections.

Mr. Cooke: Mr. Chairman, on a point of order, I think this committee should go on record as unanimously expressing its appreciation of those very appropriate remarks by Mr. Swart.

Mr. Chairman: No, I hear another deferral, so I am sorry there is not unanimous consent.

Mr. Renwick: The title of the bill as it is put before us by the government is An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province. The government, for its own deliberate purposes, wishes to call the board the Inflation Restraint Board. My colleague has, quite properly, moved an amendment to eliminate the misrepresentation which the designation of the board as the Inflation Restraint Board would cause.

I always use as the litmus test of common sense what a person in Riverdale would say--as we lawyers talk about it, the man on the bus; I call it the man on the Gerrard Street East streetcar as it passes through the riding of Riverdale.

When this bill is passed and people say to him, "What do you think of the Inflation Restraint Board?" there is nothing in that title which will indicate that the guts of this bill, and the fundamental part of this bill, is the restraint of compensation in the public sector of Ontario. He will think it has something to do with the inflationary pressures in the economy generally, and that the government is moving to restrain them.

But the government is not moving to restrain inflationary pressures in the economy because all the title to the bill says that it will do about inflationary conditions is monitor them. They are not trying to restrain them. Anyone who reads the bill knows there is not going to be any restraint on inflationary conditions in province.

We will have ample opportunity to deal with that when we get to part III of the bill. But quite objectively, I do not believe there is a single member of this committee who could honestly say that the title to the bill and the name of the board are consistent in accurately reflecting what the board is about. It is just not so, if one flips over to the short title of this act, the Inflation Restraint Act.

For us to allow a bill to pass in this House which has a title and also the name of a board which will, in the eyes of the public, misrepresent what the bill is about, so no one in the public will know that this is the bill you look at to find the restraint on public sector compensation of Ontario--



Mr. Mackenzie: It is very dishonest.

Mr. Renwick: I would not impute motives to the government. The government, every now and then, gets carried away with its desire to have a sleight-of-hand public relations operation going on for it. But that kind of unconscious hypocrisy as to what a bill is about that is reflected in the title of the bill is something to which this committee should address its attention.

In my mind, it is absolutely essential that if the government persists in this matter--when I say to a person in the riding of Riverdale, "This is the Inflation Restraint Act and the Inflation Restraint Board has enormous powers," I do not want anyone at all in my riding to misunderstand what the bill is about. It is as close to deliberate misrepresentation as a Madison Avenue advertising firm could come and still remain within the accepted bounds of business advertising.

Mr. Chairman: Mr. Renwick--

Mr. Renwick: I am not asking the chairman to express his views. He is, unfortunately, the chairman. If he wants to take part in this debate or express his disagreement by body language with what I say about the substantial clause in the bill, then I suggest that he vacate the chair. My colleague, the member for Hamilton East (Mr. Mackenzie), would take the chair in your place, Mr. Chairman, and you would have an opportunity to say what I have said.

Now that the chairman has interjected himself into this debate in the way in which he has, he as a lawyer must understand that what I say about the people in the riding of Riverdale applies equally well in Oxford. If you persist in calling this bill the Inflation Restraint Act and the board the Inflation Restraint Board, not a single person in the riding of Oxford will have any possible conception that it deals with breaking contracts, or that it deals with contracts in order to reduce the legally binding obligation to pay compensation in the public sector of Ontario.

10:20 p.m.

At least the government was honest in its long title. But nobody ever talks about long titles, people talk about short titles. Pretty soon this will be known as the IRB in somebody's mind. "IRB" I suppose it will then finally be called. You know it as well as I do; you cannot dispute that. I say that to each member. To the member for Cochrane North (Mr. Piché), whom I have a great respect for, I do not know how that would be translated. Perhaps the member for Cochrane North could help me with this matter.

Mr. Watson: He would like to help you out. Through which door would you like to go?

Mr. Renwick: You know as well as I do that if the government of this province had willingly accepted the provision



of the Constitution as has been accepted by New Brunswick, then we would have a companion bill of this in the French language so that people speaking French in this province would understand it, as they have in Manitoba, Quebec and now in New Brunswick. For some reason, the province with the largest French-speaking population outside of Quebec has not seen fit to do that.

I would be very curious to know what the French-language interpretation of Inflation Restraint Board would mean and whether it would convey in any way a sense to the people in the riding of Cochrane North, English-speaking people, French-speaking people, what exactly this bill is about. I say to you it would be misrepresenting and I say to the member for Chatham (Mr. Watson) that that would be the case.

No one in the riding of Chatham would say, "Yes, I understand there is public sector restraint." You would say to them: "List six bills of the Legislature. What does it come under?" You could have one of these yes and no answers and a trip around the world if you could guess the right one. You certainly would not guess the Inflation Restraint Board. Not at all. You would think there would be something called the restraint of compensation in the public sector act, which would be much better.

I do not know whether or not that would allow itself to be developed into an acronym. I do not know. No, I cannot make one out of that. I do not know now we would deal with that.

Mr. Watson: I am sure it would.

Mr. Wrye: We could find one of these acronym consultants, you know, the Board of Industrial Leadership and Development people. They could work one out.

Mr. Renwick: Yes, that is right, they could probably work one out. But, you see, they do not really want to have one here that will be saleable as meaning something so people will say, "That is BILD." They want to have one which errs on the other side of the question and that is to misrepresent what the bill is about.

I am glad the member for Windsor-Sandwich has raised that question with me about BILD. When they wanted BILD, it had something outgoing and positive about it. It was equally deceptive, but that was deception of content. On the other side of the coin, here we have a title for a bill which is misrepresentative of what the bill is all about.

After we have been together on Tuesday, Wednesday and Thursday under the mandatory instructions of the House which compelled us to be here tonight, there is perhaps an element of--

Mr. Gillies: Where would you rather be?

Mr. Watson: I thought you could say that with a straight face, Jim. I really did.

Mr. Watson: He would sooner be up watching the newscast on his leader.

Mr. Renwick: I will be not able to see it until tomorrow afternoon.

Mr. Chairman: Order.

Mr. Renwick: I am extremely concerned that each member of the government party, in particular, should recognize that this is misrepresenting the purpose of the bill. It misrepresents it because it does not restrain inflation; it monitors it. That is what the bill says.

What it does restrain is compensation in the public sector. That is what the bill in its full title says. For some smart person to have selected two of those words, run them together and added the word "board" against it, is just a little bit too cute for words. I am not prepared to accept that.

Our amendment to this clause before us, would move that clause 1(a) of the bill be struck out and the following substituted therefor: "(a) 'Commission' means the Fair Prices Commission."

That is direct, straightforward and positive, and will be developed when we come to part III. It also has the added advantage that it might become--if the government would accept our proposals with respect to such a commission--a guardian of the people of the province with respect to what economists call, but the government has adapted, administered prices. Administered prices means prices which are not subject to the flow of the marketplace. There is no definition so far as I can tell, in this bill, of anything other than an administered price.

One doesn't have to have lived for a long time. One can recall the late President John Kennedy had a confrontation with the steel industry in the United States over administered prices. It had nothing to do with government in prices. The steel industry was such an oligopoly in the United States that there was no such thing as market impression on those prices and they had to be administered.

The kind of commission we are talking about is a fair prices commission for those prices which are not dealt with in the free marketplace. Even the most reactionary Tory in this room tonight--be he in the Liberal Party or the Conservative Party--would agree that there are very few, if any, market-fixed prices left in our economy. Everyone knows that, rather than reduce prices by increasing production, the rule in society as we know it is to maintain prices, reduce production and discharge people from employment. That's the way the triangle works.

I want to repeat that because there were some members who weren't listening and I hope I get it right the second time--I don't, usually. Under our society what happens with respect to prices is that the industry maintains the price, reduces production and discharges employees, rather than reducing the

price, increasing production and increasing employment. That's how the system works.

The people of this province have to be absolutely certain that they are protected against administered prices, which are never fair. They must have the opportunity to see clearly in a statute the considerations which must be taken into account by the body which would be vested with the authority to determine whether a price was or was not a fair price.

I regret the clock seems to have reached the bewitching hour and I have to go along.

Mr. Chairman: It is 10:30 p.m. We will adjourn now and reconvene next Tuesday following routine proceedings.

The committee adjourned at 10:30 p.m.







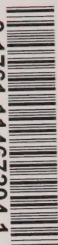








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